The role of civil society movements in the improvement of corporate environmental responsibility. 

The case of oil industries in Nigeria and Ecuador.

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ABSTRACT

The theoretical point of departure for this research is that of civil society, as expressed in the Neo-Gramscian critical theory of international relations. This research is grounded on the desire to discover the contemporary potential of civil society in relation to the main economic paradigm of the globalisation era, which is that of neoliberal economy. Research focused on the relationship between civil society and transnational corporations (TNCs) in the field of environmental accountability in developing countries, as this terrain was seen as representative of uneven contemporary relations between the global North/South divide and between people/corporations. Transnational corporations are here represented as representative of the hegemon – that is the neoliberal economy, and civil society, the counter hegemonic power, with environmental responsibility as the field of the game.

The aim of the research is to answer a main question: how civil society tries to influence the environmental behaviour of transnational corporations in developing countries. The answer has been found through the Gramscian notion of counter hegemonic power, and also through neo-Gramscian subaltern class analyses and agenda building theory. Two hypotheses have been tested: the first assuming that civil society movements act at the national level as subaltern agencies, which try to unseat or disrupt the main existing economic paradigm. The second, which looks to the international and transnational levels of action, assumed that social movements need to look for the attention of external actors in order to expand the potential of the issue they are concerned for.

Two cases of study have helped the development of this research: the Nigerian contestation of the Shell/Chevron group in Nigeria, and the lawsuit against Texaco oil enterprise in Ecuador. These have been analyzed in order to confirm or refuse the initial hypotheses. Both instances involve developing countries and critical social movements, thus giving the chance to compare differences and similarities of the organizational frameworks of civil society groups.

The aim of the work was that of applying to unconventional theory, such as the neo-Gramscian and Agenda Building Theory, to the contemporary world, and in so doing highlight a common contemporary issue, which is the lack of environmental accountability seen in transnational corporations.
**INTRODUCTION**

The latter part of the twentieth century and the beginning of the twenty-first century has formed a period of worldwide change, and has contained processes which have completely restructured the global foundations of society and economy. International structural relations have, without question, changed dramatically. Most importantly, the actors, balance of power and fluxes of exchange are radically different from those witnessed in the first half of last century. The systemic and social shift that has characterized our era has been termed *globalization* and is conceived as a new stage of economic relations. This process has had a number of consequences on the role which both structural agencies and actors play on the chessboard of international relations. It represents an historic process of transition from the nation-state phase of global relations, to a new transnational phase\(^1\).

Even if capitalism itself is not new, its spread across the globe has been an unparalleled phenomenon of the last 40 years, with consequences on the international system that are still being analyzed by theorists. New forms of political space, extending beyond the nation-state, have accompanied both new global economic and social geography. With the internationalization of the economy, most notably characterized by the extension of trade and financial flows across national borders, the production process itself has changed, becoming increasingly fragmented and decentralized\(^2\).

The geographic relocation of the production process and the accompanying disintegration of its structure started in the 1970s, and has prompted fundamental reforms in the organizational framework of world production. The proliferation of Foreign Direct Investment (FDI), as well as a growth of transnational political alliances - often followed by new forms of agreements between non-state actors - has led to a complex network of relationships in which transnational firms often get the better of the state. As Peter Dickens noted in the early 90s, the new multilateral dialogue between the agents of local economies and firms have created a set of geographically nested relationships that interconnect both local and global spaces. For Dickens:

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« What we have, in reality, is a variety of developmental trajectories and a spectrum of different forms of governance, that are best captured by the notion of networked interrelationships structured by different degrees and forms of power and influence »

According to William Robinson’s analyses of globalization, this intricate system of relations is designed to give a leading role to globalized circuits of capital that dictate terms and patterns of accumulation. In this new space, the hegemony of transnational capital, represented by, and organized in, big transnational corporations (TNCs) coordinate economic activity, which creates the economic system with which local capital structures need to compete with in order to survive. One of the most interesting things in this context of current research is that globalization is not just seen as a form of reorganization of economy. Rather, it has been theorized as a process of social power articulation, a consequence of a long term process in which production chains have been reshaped. In this, local and global represent the two points of the dialectic curve of mutual interactions. Following this approach, some globalization scholars have reproposed a problem that has often been shelved: where does power lie? This discussion forces an interesting solution to this question: power lies in transnational corporations, acting as the new hegemony of neoliberal world. The economic capacities and the free character of these actors make them institutions with the potential for enormous harm, because economic maximisation of gains often implies social and environmental losses.

According to this premise, the key question which this research will ask is: how do civil society movements try to influence transnational corporation’s behaviour? In order to answer this question, this study will focus on social movements and their action, at both national and international level. The reasons of this choice of field will be discussed in the following section where, through a theoretical background review, the format of this work will be outlined. The theoretical framework chosen to investigate the relation of power between TNCs and civil society will be briefly explained in the first chapter of this introduction.

Following this, the working hypothesis of this research will be outlined. This shall also serve

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5 Ibid., p. 19.
as to express the validity of this project. In order to orient this studies interest in the relations between civil society and the behaviour of environmental corporations, there will follow a deeper explication of the theoretical framework that underpins this projects analysis. Finally, the methodological approach by which hypothesis will be tested will be demonstrated.

The second chapter of this work is concerned with the presentation of two case studies, which will be analyzed in some depth. Initially, this will be conducted through an historical review, as well as an analysis of social movements involved. The validity in this choice of cases will be demonstrated through discussion of their contexts, and also their engagement with global capital flows. The third section will compose the core of the analysis. This will be presented with comment on the results of our research. In the final section, conclusions will be drawn, demonstrating the advantages and limits in the methodologies and examples used, and introducing themes for further consideration.

**The research hypothesis: embracing the Gramscian and neo-Gramscian approach to power analysis**

This chapter will introduce the core research hypothesis. This shall contain a brief descriptive overview of the theoretical framework that guided the formulation of these hypotheses.

First, I will explain the focus of this study on corporate environmental responsibility as a research subject. Subsequently, by mobilizing the Gramscian and neo-Gramscian theoretical framework, I will explain these hypotheses and finally, I will outline the validity of this subject for research.

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*Transnational powers and environmental responsibility*

Whilst many economic geographers, in studying globalization, have focused on the structure of economy\(^8\), this study will concentrate on the relationship between new transnational powers and social reality. As the Italian theorist Antonio Gramsci posited, social reality is « a relation of

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forces in a continuous motion and shift of equilibrium »\(^9\). This dynamic point of view implies that the nature of structures is ever-changing. This leads us to question the movement of power, and also to the correlate inquiry: how does social reality respond to it?

To answer this dilemma, I have formulated a more specific articulation of this issue, in which I use transnational corporations (TNCs) and civil society as two poles of action within the contemporary economic world. To circumscribe the research analyses, this investigation will focus around a specific set of behaviours particular to transnational corporations, regarding environmental responsibility in developing countries. This is an issue of paramount importance in contemporary economic engagement, where environment protection and climate change are becoming increasingly central issues in International Relations debates. Moreover, from an analytical point of view, environmental responsibility can act as a core metaphor for the relationship of power and influence between the two actors involved in this arena - civil society and TNCs. Clearly, the bigger issue at stake is that of uneven development, which can be viewed as a structural prerequisite for sustained environmental damage.

As underlined by development scholars, the uneven distribution of political power among states, based on the use and monopoly of advanced technology, started with the Industrial Revolution, and is one of its most enduring effects\(^{10}\). From that time, the distribution of gains and losses of economic activities among countries has remained unbalanced. Not only social costs, but also environmental ones, have become part of the international debate since when, in the end of the ‘80’s, the UN commission on Environment and Development formulated the concept of “sustainable development”\(^{11}\). Before long, attention turned to the concept of “corporate environmental responsibility” which is defined as:

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A \text{ firms’ attitude to « take into account the economic, social and scientific reasons for preserving and enhancing the natural environment »}^{12}.
\]

Investigation on corporate environmental responsibility is spurred on by considerations of the social costs of environmental damages, often caused by business activities in developing

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countries. The costs of these damages are rarely passed on to the consumer in the final sale of products. To compound this structural inequality, the international system lacks a legally bounding framework regarding these business practices.

Transnational powers and the role of the State

Another crucial aspect of ongoing globalisation is a continual movement of the balance of power. From a Critical Economy prospective, foreign capital represented by transnational corporations and foreign investments has modified and restructured the role of the State. According to the neo-Gramscian perspective, States have become the transmission belt of transnational capital, allowing it access into the national and the local arena. The function of the State would therefore be to redefine the national economy in order to prepare it for transnational capital. This is even more evident for a country in the Global South, which have tended to be integrated into the global economy vertically.

Since 1990’s TNC’s have been driving the world economy through the control of major investment institutions, split between three main geographic entities, United States, Europe and Japan. Around those three hegemonic poles, several developing hubs were gravitating. Through the increase of the interpenetrating flow of capital, most countries started slowly to interconnect. However, this was not a unitary pattern, but occurred in different ways: hegemonic bloc countries became horizontally linked while developing countries have been vertically joined to one of the three main poles.

As both economic and social spaces tend to be shaped by the dominant mode of production, which is now transnational, development itself can no more be described as a ‘national’ or a ‘local’ process. Productive activity that takes place in a specific territory is no more a localised activity; it must be conceptualised alongside a global capital framework. Besides consequences of polarized accumulation and development (the central issue for world system theorists), in the specific case of environmental damage, inequality stands at a societal level. Environmental and social costs are locally paid while advantages and gains are redistributed abroad in the

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15 Ibidem.
transnational arena of capital and finance. As production and the distribution of social costs and gains moved from being national to international, there has been a concurrent concentration of economic power in foreign hands, and also disintegration of the cohesive structure standing between state and civil society. This processes natural conclusion is one in which globalization necessarily fragments local relations of power and accountability.\(^\text{16}\) While the State has became a transmission belt for global capital, civil society has lost its privileged position as interlocutor with capitalist accumulators, in which its role was to ask for accountability.

Following Gramsci’s concern for the emancipatory potential of human agency in history, Robert Cox argues that civil society (or, at least, a part of it) can now be conceived as a «mobilized participant citizenry juxtaposed to dominant economic state of power».\(^\text{17}\) In this dynamic tension between economic power and civil society stands the core of his analysis.

\textit{A two level analysis concerning the role of local counter hegemonic power and the international public agenda}

One of the major questions posed through utilization of the Gramscian and neo-Gramscian frameworks in this context is: how do civil society structures in developing countries relate to TNC’s, which here work as the incarnation of the power of global capital.

In order to find a clear analytical thread, the focus of this study lies with environmental damage caused by oil enterprises. There are two major reasons for this choice. The first is motivated by a clear belief in the need for binding environmental responsibility. This is not only important for the preservation of the Earth’s resources and biodiversity, but it is also connected with fundamental Human Rights. The fundamental right of human beings to have a basic standard of living, both in terms of health and social well-being, can be directly connected with their relationship to natural resources and their economic engagement with the environment.\(^\text{18}\) Secondly, the purely voluntary character of corporate environmental responsibility is a symbol of the uneven development evoked both by Gramsci and his followers. If we take the case of environmental damages from oil extraction in developing countries, it is implicitly understood at once that, in absence of legal framework, social costs are usually paid first by local people rather than by foreign customers. Not only are the environmental (and often extra-financial) costs

\(^{16}\) Ibid., p.32.
locally paid (or tolerated), but also the social and economic benefits are significantly reallocated abroad. This expresses clearly what ‘uneven development’ means in the modern context.

With this understanding of the global framework of extractive enterprise in place, deeper analytical coherence will be added through a usage of the neo-Gramscian concepts of hegemonic power and counter-power potential.

The underlying and final issue in this research is to understand where emancipatory potential of human agencies stands in transnational society. According to this reasoning, the research question focuses specifically on how social movements try to influence environmental behaviour of transnational corporations. In order to answer this question, I argue that first there is a need to focus on two different levels of analysis, the local/national level and the international one. Those units of analysis are not seen in a hierarchical or consecutive way, but rather are conceived as moving in a parallel strategic line. These represent two highly significant elements of one whole – acting as the two sides of one coin. Using this conception, in which social movements move in two separate yet not hierarchical ways I propose two hypotheses:

- First, that there is support for the idea that at the local and national level in developing countries, civil society’s movements act as subaltern agencies against a neoliberal hegemony. Using Gramscian terminology, I posit that social movements create a new social life based on general contestation against TNC’s;

  By affirming the importance of local counter-hegemonic activity of social movements, I will contest the idea that environmental movements, in direct opposition to oil enterprises, are just a form of sabotage which exists as an end in itself, as some TNCs argued\textsuperscript{19}. Here, I will posit that this kind of contestation represents a wider dissatisfaction against the neo-liberal economic agenda that TNCs personify. I argue that to express themselves, social movements need to operate not just at the national and transnational levels, but that they must first be rooted in a “local” practice. In this, civil society can match the fully integrated nature of the mode of production which TNC’s embody. Clearly, transnational activism alone is not enough. Whilst the importance of transnational activism, a field greatly lauded by some recent

studies, will not be attacked or undermined as an activity in itself, I will maintain, following a Gramscian point of view, that the starting point for all real change is local.

Second, I will argue that civil society needs to act at international and transnational level. We assume that, through a burgeoning knowledge of media exposure, social movements seek to expand in perceived importance the issues they are concerned for at the international level. By so doing, social movements interact both in and through different arenas, seeking to build a consensus over their problem’s interpretation. To deploy again Gramsci’s key thought on the matter, « the starting point of view is national but the perspective is international and cannot be otherwise ».

By underlining the importance of a transnational form of activism, I contest the “all-or-nothing” position which some scholars adopt, which suggests that civil society in late stage capitalism is wholly shaped through its interaction with neo-liberal ideology, and that this cannot be otherwise imagined. According to their vision, the neo-liberal social structure has enabled this civil society environment by causing new entrepreneurial classes to emerge. Those classes, less dependent on the state, with their own autonomous institutions, can transform the state from below. With the help of foreign institutions and enterprises, they tend to transform their countries into “proper” capitalist states. However, the approach that I will maintain on the transnational attitude of social movements is totally opposite. We assume, indeed, that the international environment is used as a field to make an issue reach the international public attention. This argument holds that this process of globalization can wake a subaltern class-consciousness against neoliberal ideology, not sustain and create it.

The relevance of this hypothesis

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20 See, for example, Margaret E. Keck and Kathryn Sikkink, Peter Newell, Ronnie D. Lipschutz and Judith Mayer.
The prime importance of this research subject is deeply rooted in the idea that capitalist society is functionally unable to grant equal economical development to all the people of the planet. The neoliberal production and consumption model has limits that provoke unequal exchange between the North and South of the world, thus necessitating unequal power relations. Through a defence of space, territory, common goods and participatory rights, civil society appears an answer to this process of uneven development through internal reorganization.

Many theorists have already approached this issue by studying the indigenous movements of Latin America and Africa. A common theme amongst many of these scholars is that these movements carry a global message, a redefinition of civil society that transcends national borders. However, this investigation will highlight another significant point. I argue that a social movement in itself is a source of emancipatory power over hegemony, and automatically takes the role of a subaltern agency fighting against a historic hegemonic bloc. I secondly posit that these structures of agency action need to cross borders, due to the necessary transnational character of a globalized world. In some ways, these social movements must use a sense of a ‘globalized society’ against transnational capital structures in order to fundamentally redefine the political space of an economically just democracy.

The application of a Gramscian approach to study the influence of civil society movements on TNC’s is innovative for two main reasons:

- First, by stating that social movements act, at the local level, as subaltern agencies, I indirectly affirm that neoliberal economy is the hegemony of this era. I then identify and analyze the agencies, which maintain this political situation as counterpoints to civil society. The innovation of this analysis stands in a “bottom up” approach: through trying to understand power by analysing and assessing counter power. By applying Gramscian hegemonic theory to the power of TNC’s, I will attempt to understand which kind of responses social movements give to the absence of guarantee of economic rights – that is the deprivation of economical democracy.

- Second, this study aims to be strongly anchored in reality. It is for this reason I decided not to abstract social movement’s analyses from their international context, despite this composing a predominant part of the conceptual globalized world. However, to enable a wider view of the issue, I will synthesize Gramscian theory with agenda building theory, helped by the
conceptual similarity in these two approaches. I maintain that these two theories can create a more comprehensive matrix of understanding. On one side, Gramscian theory of hegemony will serve as a theoretical background, a position which agenda building theory sometimes lacks. On the other side, the mass media analyses of agenda setting theory could help to rend hegemonic theory operational. Finally, using this dual strategy to approach both corporate environmental responsibilities and the concept of social power, I will demonstrate the social impacts which international flows of capital bring about, thereby enabling physical and social damage to be directly seen through financial interactions. A new narrative is needed in order to create a notion of collective environmental accountability.

Methodology

In view of a need for structural clarity, these arguments shall be applied to two case studies. The first will be the contestation of the presence of Shell in Nigeria. The second will be that of Texaco in Ecuador. Both cases involve three main elements of the analytical structure, notably, civil society, transnational corporations and environmental responsibility. Furthermore both instances involve developing countries and networks of transnational advocacy groups. This presents the opportunity to compare differences and similarities of civil society organizational frameworks. Even if those nations are neither socially similar nor spatially proximate, they are in some way bounded by the long and strong presence of oil industries’ power. Finally, that both cases are deeply embedded in structural conflict make them prime cases in which to analyze civil society influence on transnational corporations’ power.

This study will deploy Antonio Gramsci’s work on the analysis of subaltern agencies, and conflate this with two social movements, one representing each case study. This will be in order to illuminate the first posited hypothesis, outlined above. The civil society movements that are being analyzed have been selected based on their level of involvement in disputes against oil industry. However, that is not to say that they were the only civil society movements at work during the conflicts in which they were engaged.

This research question was initially conceived to be developed by an in-field study, which

would have been conducted through interviews with the members of these social movements. This would have been complimented by local analyses of the mass media. This kind of approach would have permitted to directly hear “the voice” of civil society movements, as well of those of local people, thus allowing a deeper understanding of the influence of TNC’s. Further than this, through an in-field study there would have been the opportunity to see the real impact of environmental damages on rural society, thus underlining the importance of corporate environmental accountability.

However, because of a lack of time and resources, the methodological approach that I adopted turned to the study of social movements through research on their Internet presence and media profile. This entailed an in depth study of their statements, statutes and campaigns published in their websites. The same methodological approach has been applied to confute both the first and the second hypothesis.

According to the agenda building theory, in this research we intend media as an active agent of reality’s definition. This methodological approach has proved to be coherent with the transnational characters of the globalized world, as well as with agenda building theory itself. Furthermore, a synthesis of the Gramscian theory of hegemony with a contemporaneous tool of communication like the Internet has enabled a conversation that combines the insight of classical theorists with the practical certainty of modernity.

Theoretical explications of the hypothesis: TNC’s accountability through the lens of Gramscian hegemony

The purpose of the chapter is to clarify the theoretical basis of the subject for research, the question and finally the hypothesis of our work. To do so, in the following section, I will try to conceptualise connections between economic activities, development and social movements. Those three elements, which form the research question on civil society, will be illustrated by moving forward through the theoretical framework, as well as through different levels of analyses. Two main approaches will be mobilized: the Gramscian theory of counter hegemonic power and the agenda building theory.

26 Ibidem.
The importance of transnational accountability

As outlined above, globalization implies a shift in the worldwide scale of power, moving from a nation-state paradigm to a transnational one. But TNCs, even if they are non-state actors, influence social reality, as they have changed the way in which modern society is organized. By introducing supranational social structures, transnational corporations have entered the local arena, a territoriality from where, through convention, people are understood to derive their subjective sense of social identity. An important aspect is that firms, being non-state actors, are establishing a dialogue with society that is far from being agent-focused. Accountability and responsibility of TNC’s behaviour is one of the most problematic issues in the political economy’s contemporary critiques, due to this being a relationship which is fundamentally still not fully formalized.

The democratic “bridge” between power and society, which had been negotiated over a lengthy timeframe, appears often to be undermined by extremely quick moving business and economic developments. For Peter Newell, firms are acquiring more and more power, here meant as material, organizational and discursive capabilities. Simultaneous to this process, the State, traditionally the place where citizens feel authorized to exercise their right for accountability, is losing some of its power as the main channel through which citizens can demand legitimate responsibility. With the extension of the neo-liberal ideology that exhorts states to impose a flexible and fragmented open market, the borders of business practice have started to overlap in social life. They now touch several areas of daily life, such as the construction of identity, issues of labour, human rights and environment.

As noticed in the introduction, the matter under discussion here is the relationship between business and social life, and more specifically, between transnational corporations and civil society. As Newell notes, in fact, what is essential about power is the division of responsibilities among state, market and civil society. According to the evolution of the globalized world, transnational actors are attempting to fulfil a function for capitalism that international relations scholars refer to as a “hegemon”, or a dominant power that has the resources and the structural

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27 Ibid., p. 21.
29 Ibidem.
position to rule and organize the system, even at the local level\textsuperscript{30}.

Transnational corporations as the new historical bloc

By mobilizing the notion of “hegemony” from both Gramsci and from the scholars of neo-Gramscian thought, we assume that TNCs are the new hegemon which civil society must confront. In his *Prison Notebooks*, written between 1929 and 1935, Gramsci tackled the concept of hegemony, focusing on the necessary relationship between States, civil society and ideology for the maintenance of the power of the ruling class. Gramsci was looking at hegemony as a complex form of power, exercised throughout state-civil society relations by the mediation of “social infusers”, especially intellectuals. The scope of hegemony is to build organic consent around the predominant form of production\textsuperscript{31}. Gramsci developed a particular approach, capturing the dialogue between the economic structure and ideological superstructure of hegemony, which is expressed in the notion of “historical bloc”. As in *Prison Notebooks*, there is no single point of authorial reference to the term hegemony. As there is no linear and strict path of enquiry, it is possible to extend the concept of historical bloc in an alternative theoretical paradigm\textsuperscript{32}.

Relating the problematic of civil society’s relationship with hegemony to the contemporary historical context, neo-liberalism can be seen as the new hegemony and TNCs as the agents of a historical bloc. These act to maintain consent around the dominant ideology. According to Gramsci, this kind of power is based on material capabilities, a rooted collective image of world order and the presence of a set of institutions that promote this worldview. A historical bloc is then conceived as the point where the economic structure interrelates with the superstructure, as the reflection of the dominant social relation of production’s system\textsuperscript{33}. A set of supporting ideas is necessary, which give form to the economic structure and the concurrent maintenance of hegemony. This is articulated through the role of historic bloc agents, or the so-called “transnational capitalist class”\textsuperscript{34}, formed by proactive agents of globalization that have the ability

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to build consensus in promoting the program of neo-liberalism. This new *historic bloc* comprised those institutions and practices in global society that maintain, defend and advance the emergent hegemony of global capitalism. In Hagai Katz’s words, the neo-liberal credo is a form of orthodoxy that includes and involves states, global actors and TNC’s as well as international governmental organizations. Thus, TNCs could be labelled as agents of the new *historic bloc* not only because the ideology that they represent (notably, neo-liberalism) is becoming hegemonic worldwide through the process of *transnationalisation* of economies, but also because the flow of global capital itself is reshaping local and national social systems.

Where the state is incapable of administrating global capital without letting capital rule, it cedes to the market as the sole organizing power in the economic and social sphere. Nation-state then lose the function of national policy formulation, and then evolve to an administrative role in which policies are formulated by transnational actors. The case of energy resources is a clear example, and indeed almost a model for this pattern.

*Social mobilization in developing countries: acting at national level*

When TNC’s enter the arena of national natural resources, the general tendency is that they ignore local market conditions and exclusively focus on the level of the international economy. Transnational business actors are generally oriented by three main principles. These are, firstly, a desire to be globally efficient, secondly, to be multi-nationally flexible and thirdly, to be capable of capturing the benefits of worldwide learning, all at the same time. This implies that the national situation is secondary in relation to the global market. Maximization of goals implies social and environmental losses. This is the strict “market discipline” that imposes a use (and abuse) of the power of transnational capital over individuals. More often, rich countries exercise economic power over poor ones, using business as a political weapon against popular grassroots movements which aim to change social structures. In weak (quite often synonymous with poor) countries, state agencies in contact with the global economy often tend to give precedence to this

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36 Ibid., p. 43
38 Ibid., p. 52.
latter rather than to the domestic public policy concerns. As for the case of international development aid, business’s accountability procedures are distorted towards the need of providers rather than the seekers of capital investments. As Newell underlined, when regimes are more affected by decisions taken at the level of international trade, the lack of accountability of trade flows can have a direct effect on local development. This is because this makes it harder for national institutions to not be dominated by the logic of global capital as well. Global actors are more influenced by what happens at international level rather than local or national level. As the literature shows, there is a constant growth of civil society seeking corporate social and environmental responsibility, both at the national and international level.

Lindberg and Sverisson, in their work on social movements in developing countries, argue that national standards and policies can no longer exercise absolute control over the national economy, nor protect people and their environment. This is since the role of the state as an intermediary between local and the global seems to diminishing. They argue that a new “revolution” is going on, the one of “the marginalized (…) the victims of cumulative dominance and inequality”. Even more, those movements seems to be attempting to evolve to a participatory society to improve quality of life, and are demanding better terms of production.

Focusing on the use of natural resources, it is possible to understand how environmental degradation, which can act as an assault on quality of life, can act as an important source of inequality. That is to say, only through an acknowledgement of the capacity for natural resource extraction to undermine human rights can a true view be gained as to the unequal structures of access, which these resources perpetuate. According to this perspective, contesting movements could be seen as “deviant” actors because, through protesting and mobilizing, activists try to moderate the hegemony of capital on development. For T.K. Oommen, development should be founded on the idea of mobilization and protest, and not just a sum of policies and strategies that emanate directly from the neo-liberal paradigm. Following Oommen, development itself is a political activity, and as such, demands for rights can only be detected and articulated in the

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42 Newell, Peter, Loc. Cit., 2008, p. 128
44 Ibidem.
extra-parliamentary space\textsuperscript{46}. Here, where civil society lives and grows, is the arena where demand for effective implementation and action to change the situation could arise. It is in this place, conceived by Robert Cox as « a wide political space between constituted authority and political life of people »\textsuperscript{47}, that civil society keeps pressure on the state acting as countervailing power. From a Gramscian’s prospective, such a power could be seen as a counter-hegemonic bloc, organized to erode the power of the neoliberal hegemony, represented by the \textit{historic bloc} of transnational corporations.

This is the core of my first hypothesis. To explore how civil society’s movements try to influence corporate environmental behaviour of TNCs, I will try to answer by borrowing from Gramsci the notion of a subaltern class. By doing so, I will argue that social movements act at a national level as subaltern agencies against neoliberal hegemony by creating a new social life based on general contestation against TNC’s. Borrowing from the Italian theorists the subaltern class’s scheme of analyses, we will try to validate our first assumption grounded on the national level of action.

\textit{The importance of reaching the international public agenda}

The second hypothesis moves out to the international arena. As cited above, for Gramsci, the national arena is the point of departure for a struggle over hegemony, in which the « perspective is international and cannot be otherwise ».\textsuperscript{48} Moving forward with this idea, we argue that social movements act also at the international level, seeking the attention of civil society, public institutions and other social movements operative in external arenas. However, Gramsci, whilst concerned with the idea that class-consciousness can traverse national boundaries, was more focused on national level. The conclusion of these two tendencies is a theoretical sensitivity to the interplay of forces operating at multiple scalar levels. This has also been discussed by Peter Newell and David Levy\textsuperscript{49}. According to their studies, the Gramscian paradigm can help to understand the environmental governance, because it looks at civil society’ subsystems as units that overlap and interpenetrate\textsuperscript{50}. The same perspective is traceable in part to the agenda building

\begin{itemize}
\item \textsuperscript{46} \textit{Ibidem.}
\item \textsuperscript{47} Cox, Robert W., \textit{Loc. Cit.}, 1999, p. 13.
\item \textsuperscript{48} Gramsci, Antonio, \textit{Op. Cit.}, p. 240
\item \textsuperscript{50} \textit{Ibid.}, p. 55.
\end{itemize}
theory developed by multiple scholars, such as Maxwell McCombs, Robert McLure, T. E. Patterson, Donald Shaw and Rolando Marini. This theory, focusing on communication and media power, sustain that actors of different arenas are interdependent and that they all contribute to the construction of reality and social problems\textsuperscript{51}. As in the Gramscian view of the national and international environment, there is no one arena that is dominant over others, because what is the prime issue is that of interaction. According to this approach, the public’s attention could be reached through using media. The ultimate goal of civil society groups is to transform an issue into a visible social problem. Arenas then become a channel for transmission and reception of discourses on social problems\textsuperscript{52}. From here, Gramscian’s international approach and the agenda building constructive view of media can be understood as the mainstays to test the second hypothesis.

Even if this theory connection could be seen as forced, each theory has it’s own role in this research project: on one side, the Gramscian idea of internationality of class struggle is the theoretical point of departure for much of the reasoning, the springboard from where I can launch this hypothesis; and on the other, agenda building theory is the methodological guiding light that helps to verify its validity. Its usefulness will be better explained in the following section where, starting from the first hypothesis of this study, the methodological framework for the cases will be more fully developed.

A mixed methodological approach: penetrating civil society through case studies and the use of Internet

Without abandoning the theoretical framework expounded in the above section, I will go on by illustrating the methodological approaches chosen to tackle our research subject. The first section of this chapter would show the general approach followed in this research: case study methodology and the comparative methods. Subsequently, I will specify the neo-Gramscian methodology of subaltern class analyses that would be useful to validate and test our two hypotheses. I will then illustrate how to apply the agenda building methodology to the second hypothesis. Finally, I will explain how the use of Internet as a tool of analyses fits with the initial purpose of this study, and also how it will be developed.

\textsuperscript{52} \textit{Ibid.} p. 109.
General approach: the importance of case studies and comparative methodology

To explain the level of influence that civil society has on corporate environmental responsibility, I will develop reasoning through the use of the case study methodology. This will help to describe concretely the structure and impact of local, national, federal and transnational movement’s activities. First of all, each case will be summarized in order to explain the context, the actors involved and the historical evolution of the lawsuit. Secondly, I will try to verify the hypotheses. This will be done in two ways. The first will be a test by borrowing the methodological approach of neo-Gramscian analysis of subaltern classes. The second will be a demonstration through on the use of some of the theoretical tools of agenda setting theory. Both of these aspects will help to expound the interaction between local, national, international and transnational levels of analysis and interaction. The hypotheses will be assessed through comparison, and at root, this comparative method is aimed at finding causal relationships between the different types of activities civil society movements undertake, and corporate environmental responsibility responses.

The subaltern class analyses

To test how social movements try to influence oil companies, we borrowed from the neo-Gramscian paradigm the methodology of subaltern class analyses. According to the Gramscian paradigm, the study of subaltern class must proceed from identification of the type of resistance that agencies follow to conduct their “anti-passive revolution” against hegemony.\textsuperscript{53} Gramsci proposed two possibilities: “war of manoeuvre” and “war of position”\textsuperscript{54}. While the first one attempts to a direct attack against institution, mostly conducted with violence and military tools, the second one is intended as an ideological struggle. These elements should not be understood as being mutually exclusive, and can indeed sometimes be operative simultaneously. The scope here is that of subvert ideological diffusion.\textsuperscript{55} In order to discover which kind of war subaltern agencies are conducting, the neo-Gramscian approach would suggest a tripartite path, which includes:

\textsuperscript{53} Ibid., p. 191.
\textsuperscript{55} Ibidem.
1. Analysis of *origins* of political and organizational forms of specific subaltern class agency
2. Examination of *consciousness-raise* and identity formation process
3. Demonstration of how movements attempt to *press claims* or assert autonomy over hegemonic system\(^56\).

The first two points focus on the local and national attitudes of social movements, as the first hypothesis does. The third element perfectly overlays the second hypothesis - that is to say the idea that social movements try to attract international attention through use of Medias. This methodological approach perfectly reflects the Gramscian notion of the fragmented and episodic character of subaltern class history\(^57\).

While identifying which type of war social movements are inclined to engage in, the neo-Gramscian paradigm focusses on strategy. As in this research we will focus on war of position rather than manoeuvre, we will borrow from Adam David Morton a neo-Gramscian scheme of analyses that identifies five main strategies of ideological war:

1. *Activation of civil society*, which includes all of the different forms of mobilization and organization. This analysis focuses on the range of appeal (local, national and international) and the emphasis is put on the relationship between leaders and led.
2. The *call for indigenous rights* as an expression of resistance. This strategy is developed by peace talks about indigenous rights and culture, calling for justice and democracy and seeking for political participation and cultural autonomy. The reasons for initial contestation are expanded, therefore involving more people and widening the counter-hegemonic discourse.
3. Appeal to various forms of identity aimed to *create a new social space* where alternative identities coexist to protect *collective interest*. New forms of identity are then created in order to emphasise the struggle over hegemony.
4. *Campaign for democratisation* against the endemically undemocratic attitude of neoliberal paradigm. The counter hegemonic discourse begins by including questions as related to work, land, housing, health, education, independence, freedom and justice. To

do so, the international “undemocratic” effects of neo-liberalism are underlined.

5. Finally, the constant attempt to innovate alternative forms of governance, such as building local infrastructure, schools, development projects, collective agricultural programs and small autonomous enterprises. The aim is to develop a pragmatic revolution against the hegemonic economic paradigm.58

To assess if and how social movements have used these 5 strategies, we will analyze public speech, propaganda, and campaigns, through the study of movements’ website. As mentioned above, this approach relies on the belief that media, and in this case the Internet, have been of use as tools of counter-hegemonic struggle at local/national level, as well at the international one.

Antonio Gramsci first applied the subaltern class analyses in order to study Risorgimento movement and the southern question in Italy59. Later, neo-Gramscian scholars followed the same approach to study the Zapatista’s movement of Chiapas State, Mexico. The Mexican case did not include oil companies, and was finally organized as political movements realized through military assault. To express it in Gramscian terms, in the Mexican case we find both a “war of position” and a “war of manoeuvre”. For these reasons, this case is not comparable with our analyses, but some similarities can be identified which show the validity of our methodological choice. First, the EZLN movement rose up in a context of uneven development which led to different forms of poverty, exploitation and oppression in the peasantry community of Chiapas. Second, the strategy of resistance put in place by this movement aimed to resist the hegemony of transnational capital and, as such, it was a struggle against the uneven development of neo-liberalism60. Finally, as in our case, what was contested was the power of global economy over local communities.

Subaltern studies were also applied to the analyses of colonial India, focusing on the insurgent consciousness of peasantry. In “Elementary Aspects of Peasants Insurgency in Colonial India”61, subaltern Indian scholar Ranajit Guha focused on the importance of the subaltern class as historical actors of power. What is interesting to note here is that Guha also argued that historical studies often voluntarily neglect a focus on subaltern classes in order to diminish their potential

power and undermine their role. Many studies of Latin American’s subaltern struggles are also treated in the same way. However, Florencia Mallon in “The Promise and Dilemma of Subaltern Studies: Perspectives from Latin American History,” makes a general argument for scholars to change approach, using specific reference to the Cuban revolution, the Peruvian revolts against Sandero Luminoso and Chile’s revolution.

Subaltern class analysis could also be mobilized to verify how social movements seek to attract the international community’s attention, which is key to our second hypothesis. Moving in line with agenda building theory, we will look at how social movements seek to advance the issue of environmental accountability into the international public agenda. According to Marini, we can find two kinds of agendas: the public and the formal. The first refers to that of society, that is, the set of issues that are broadly conceived as worthy of public attention and institutional responses. On the other hand, the formal or governmental agenda is the set of policy options actively considered by government. For the agenda building theory, an issue can reach public agendas in three ways. Firstly, when individuals or groups that stand outside the institutional world organize themselves in order to seek consent and participation for and with their concerns, we talk about external initiative’s model. Secondly, institutional actors propose a campaign to reach public attention and sustain for a particular issue. Once they reach an important place in the formal agenda, such public support is mobilized. That is the internal mobilization’s model. The third way for issues to reach a wider audience is for institutional actors to move the issue within the formal agenda’s space without involving public opinion. That is the internal access model. In the first two cases, what happens outside the institutional framework, here understood as the public sphere, is of fundamental importance for the transformation of an ‘issue’ into a ‘problem’. This research will therefore focus on those two models.

To empirically study the ‘issue raising process’, we still borrow from the agenda building theory a methodological approach which focuses on alliances sought by actors wishing to ‘promote’ their issue. By looking at partnerships, one can establish which kinds of alliances are

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65 Ibid., p. 89.
66 Ibid., p. 90
67 Ibidem.
sought for the promotion of the issue and, thus, which kind of arena/agenda the promoter is trying to reach. Relevant actors are of four types: attentive public, attention groups or issues publics, decision makers and mass audience^68. By analyzing statements, press releases, insight and open letters published on social movements’ website we will try to identify those alliances.

**Though this be madness, yet there is method in it**

The theoretical explanation and the methodological illustration of this research work are anchored in the idea that civil society is an important actor in the contemporary structure of power. Its relation with the other stakeholders, notably, TNC’s, is seen as moving in two different but contiguous arenas, the national and the international. As noted above, what I am concerned with is how public and private actors converse in the field of environmental responsibility, which represents one of the most controversial aspects of the contemporary neo-liberal paradigm. This is the reason for this approach taken by this research, in which environmental responsibility is conceptualized through a mobilization of the Gramscian subalter class study. Another approach was possible, as the common “boomerang pattern”, and also the study of transnational activism. Even if valid and rich, we think that those two approaches are too focused on the international arena to underline how far the contestation of social movements in developing countries has come to define the social world. As oil companies’ environmental accountability is viewed in this study as an important representation of contemporary uneven development, and an unequal exchange between north and south, a mixed local and international approach was needed. An investigation of the role of civil society movements in the improvement of corporate environmental responsibility is a good analytical perspective for understanding international relations in the globalization era.

**CASE STUDY PRESENTATION**

What are we talking about? Two different stories as food for thought

^68 Ibid., p. 92.
This chapter will provide a contextualization of this research project, through a summarized description of the two case studies. Firstly, we will provide a narrative of the evolution of the relationship between civil society, the state and the transnational companies concerned. Secondly, we will attempt to develop an understanding of the nature of the protest movements that follow from these relationships. Subsequent to a description of the activities of TNCs and their relationship with the political and social environment, a chronological method will be used to analyze civil society’s attempt to influence TNCs accountability, as well as government responsibility. While still following a chronographic paradigm, the first case will be concerned with Nigeria, and the conflict between Royal Dutch Shell and the Ogoni community, which dates from 1903. The second case will be based on Ecuador, and will be concerned with Chevron/Texaco in the Amazonia region.

**Shell and the Nigerian State: a long history of a marginalizing collaboration**

*Shell in Nigeria under the colonial period: the beginning of the end*

The development of the Nigeria’s oil industry dates back to the British colonial order, when oil exploration first started. In 1903, the Shell D’Arcy Anglo-Dutch consortium started exploration activity in the territory. In 1938, Shell was granted an oil exploration licence covering the entire territory of Nigeria. The British government decided to favour British interests against foreign competitors, which were, at the time, American and French oil multinationals. According to colonial legislation, the owner of the land where oil was found would be paid some compensation for lost crops, but would not have any property rights over oil, or the land itself. This legal monopoly allowed Shell to totally exclude local communities from participating in revenue generation or collection. According to the Crown Minerals Ordinance of 1945, local communities could be expropriated of their lands in the name of oil companies’ interests.

Drilling operations started in 1951, and were followed by a significant oil discovery in 1956 in the Oloibiri community, in the eastern Niger Delta region, located in the South of the country. This event changed the nature of the oil adventure in Nigeria, shifting it from exploration to a

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commercial activity. In 1958, Shell acquired 15,000 square miles of oil mining leases and constructed 300 miles of pipelines. The Shell-BP Petroleum Development Corporation of Nigeria Limited, a joint venture between Royal Dutch Shell and British Petroleum, discovered the oil, which subsequently began to control the majority of production, export and marketing of Nigerian oil. By the *Petroleum Profit Act*, promulgated in 1959, the state began to acquire participation rights in the oil operating companies and to gain access to oil rent. It was at this point that the question of oil revenues started to take a central role in the societal, economical and political debate of Nigeria.

*From independence to the military era. The rise of discontent.*

When the country became independent in 1963, oil-bearing communities, local, regional, and federal authorities began to consider the correct distribution of royalties, and also the taxes coming from oil companies’ activities. At this point, despite oil production and export growing rapidly, these revenues accounted for a small fraction of the total budget. However, control over oil revenues was seen as crucial. One of the main causes of this was that the intensification of oil companies’ activities in the 1960’s, which made the cash-crop economic system begin to collapse. Because of this, Nigeria swiftly became dependant on oil surpluses. Beginning with this process, the allocation of oil revenues rapidly became a source of antagonism between oil-bearing communities, local, national and federal authorities. The change from an agriculture-based economy to an oil-based one made Shell a crucial actor in the economical, societal and political system, as it was able to grant the “source of life” through its extractive prowess and the subsequent disbursement of oil rent. From the beginning of commercial oil activity in 1958 until 1968, oil companies paid royalties and taxes to the “host” state, while supervision and political regulation remained almost absent. Even after 1969 when the control of oil activities passed from these companies to the state, the Federal government of Nigeria remained a secondary actor due

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to the strength of Shell Corporation in the global oil market, as well as in the local economy.\textsuperscript{76}

The Nigerian states’ active participation in the oil economy began during the 1970’s world energy crisis. In 1971, in order to respond to economic problems, the Federal state decided to start nationalization of oil activities by forming the Nigerian National Oil Corporation (NNOC).\textsuperscript{77} In the same year, Nigeria joined OPEC (Organisation of the Petroleum Exporting Countries), thus assuming is Petro-state identity. In 1972, the Indigenization of Foreign Enterprises Decree forced oil companies to open joint ventures with the Nigerian National Oil Corporation. In this way the national oil company began to assume parts of the operating costs of extractive activities. In spite of an appearance to the contrary, the Federal State and the ruling coalition had begun to depend on global oil enterprises. Choosing between strengthening either the legal framework or exercising specific political controls on oil activities, the Federal State, opted for the latter. In this, the state tried not to interfere with the logic of global capital accumulation, and to assure transnational class interests. Political control was in fact exercised only in order to protect oil companies, especially Shell, from the social and political contestation that started to emerge from the oil-bearing communities. While local communities clamoured for more participation, a review of the allocations system, and for compensation for environmental damage, the State responded by reinforcing centralization. Even after the civil war (1967-1970) and the restoration of democracy, customary law in relation to land and oil activities remained almost unchanged, and was often worsened. The Derivation principle, through which oil revenues were spent in the geographical area from which they derived, was downgraded as a spending commitment. Local governments were thus left with fewer resources with which to tackle the development needs of the people in their districts. They were not able to either redress environmental damage, or handle the disruption of the traditional agricultural economy destroyed by oil activities. A common feeling among oil-bearing communities was that they had been marginalized, and treated unfairly due to the policies of both TNCs and the State.\textsuperscript{80} In 1978, the Land Use Decree, promulgated by the military government, confirmed this neo-patrimonial tendency. By making lands a property of the State, and vesting it with the power for their allocation and administration,

\textsuperscript{76} Ibidem.
\textsuperscript{78} Obi, Cyril I., \textit{Op. Cit.}, p. 286.
the Land Use Decree aggravated the vulnerability and impoverishment of local people.\textsuperscript{81} According to this law, land could be seized with neither negotiation nor compensation. By the same decree, the State instituted a governmental commission for the evaluation of environmental damages. With this measure oil-bearing communities were deprived of the power to examine environmental damages and faced more difficulties in obtaining access to legal resources.\textsuperscript{82} Both the State and the TNCs were the objects of several protests that became violent and deadly riots. Both entities were identified by oil-bearing communities as the “powerful capitalist players”: the federal State was contested for its weakness in enforcing the environmental legal framework and because of the violent repression against legitimate protests; the TNCs, especially Shell, were challenged due to the frequent violation of both human and environmental rights.\textsuperscript{83}

\textit{The road to democracy. A history of contestation.}

During the 1970’s and 1980’s contestations were almost always local and focused on blocking access routes to oil installations. In consequence, from 1986 the State put in place several policies aimed to privatize oil activities and to encourage foreign investments. Civil society saw this tendency as a reinforcement of neo-patrimonial accumulation of oil revenues, leading to an increase in the number of contestations. While the 1980’s saw local activists organize themselves as resistance movements against environmental devastation and threats against their livelihoods, the real civil society struggle emerged in the 1990’s, when a mobilization platform was organized.\textsuperscript{84} Oil-bearing communities started to delineate two main points of contestation, one addressed to TNCs and one to Federal State. In the first case, social movements sought compensation and reparations for environmental devastation, neglected development, the arrogant treatment of communities, and mistreatment and violence brought against them. In the second case, civil movements articulated claims to the State, which mostly were concerned with the militarization of repression, revenue sharing and the absence of the application of the derivation principle. In 1992, with the Oil Mineral Producing Areas Development Fund

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\textsuperscript{81} Ibid., p.41
\textsuperscript{82} Frynas, Jedrzej George, \textit{Oil in Nigeria: conflict and Litigation between Oil Companies and Village Communities}, Hamburg, Lit Verlag, 2000, p. 226.
\end{flushleft}
(OMPADEC), the Federal State increased revenue allocation from 1.5 % to 3 %\textsuperscript{85}. But this was still seen as a symbolic and not sufficient response, as events subsequent from the Memorandum of Understanding of 1986 show. With the Memorandum, signed between the Federal Government and the TNCs, the state guaranteed favourable tax formulas for the private sector of the oil business, but did not mention either environmental protection or compensation for the oil-bearing communities. While protests increased, TNCs responded by denying any responsibility for what was seen as civil contestation, which they argued should be addressed to the Federal State rather than to foreign business enterprises.

Dialogue among State, civil society and TNCs can be characterised as below scarce and unfruitful, which is one of the main reasons why confrontations arose at the end of the 1990’s. In 1999, when Nigeria regained democracy, the institutional laxity and the general resource constraints were still seen not only as a general disservice to the local people, but also as instruments of the sustainment of a policy of capital accumulation, alongside poor social and environmental accountability displayed by the TNCs\textsuperscript{86}. Social movements then passed through a long and dramatic evaluation of contestation techniques used against both the State and TNCs. Even if the beginning of their protests was local, social movements succeeded in transforming their struggle into a civil, political, environmental and human rights issue\textsuperscript{87}. Because of its complexity, that civil society has entered into conflict with the TNCs is considered the most serious threat that democracy has faced in Nigeria\textsuperscript{88}. According to the 2011 UNDP analyses, the three main oil producer states, Bayelsa, Delta and the River State, are still at risk of conflict\textsuperscript{89}. In order to understand the Nigerian civil society struggle, in the next paragraph I will focus on the Niger Delta Region where the most powerful and dramatic resource agitations have took place.

\textit{The Niger Delta Region}

The Niger Delta Region has been the centre of oil exploration, exploitation and production in Nigeria since 1958. Since Shell discovered large deposits of oil in the small village of Ogbia in 1956, the eastern part of the region was transformed into a land full of pipelines, wells and

\textsuperscript{85} Ibid., p. 460
\textsuperscript{86} Omeje, Kenneth, \textit{Op. Cit.}, p. 47.
\textsuperscript{87} Ibid., p. 464
\textsuperscript{88} Ibid., p. 438
canalization systems. During the following twenty years, most oil activities were concentrated in this part of the State. Due to its richness of mangroves, rainforest and costal barriers islands, the Niger Delta region is also an important site for biodiversity. It is composed of four ecological zones: the coastal barrier islands, mangroves, fresh water swamp forests and lowland rainforests. This area, which occupies more than 20,000 square kilometres, has frequently been subjected to natural resources exploitation\textsuperscript{90}. The region is Africa’s biggest wetland, and its mangrove forest is the third largest in the world\textsuperscript{91}. At present, almost 10 million people live in the region, and are divided into several sub-ethnic groups which are not included in the three economically dominant: the Hausa/Fulani, the Youruba and the Ibo\textsuperscript{92}. This ethnic make-up has caused the area to be considered one of ‘minorities’.

After a careful examination of the commercial prospects and geological situation of several exploration areas, managers at Shell-BP decided over the 1950’s to focus on the Niger Delta region. Apart from the fact that the area seemed to be the most prominent for exploration, the absence of high external costs was also an incentive for the choice of the region\textsuperscript{93}. When oil extraction started in 1958 it was, and still is, organized mostly through joint ventures between the government and multiples multinational companies. Among others, the Shell Petroleum Development Company, working as the operative arm of Royal Dutch Shell, was the most active, as well as being the most linked with the Nigerian Government after the country’s independence\textsuperscript{94}. Since the time that the firm received its first licenses, Shell has always maintained good relations with the government – be it the colonial regime, or the following military ruling structure. This system has encouraged several business oriented formal and informal agreements between Shell and state agents.

Over more than 20 years, activities related to the oil extraction process, such as oil spilling, waste dumping and gas flaring, have devastated the region. Consequently, the area has suffered significant social and economic alterations, as well as a destruction of traditional livelihoods.

\begin{itemize}
\item \textsuperscript{90} Eweje, Gabriel, « Environmental Costs and Responsibilities Resulting from Oil Exploitation in Developing Countries: The Case of the Niger Delta of Nigeria », \textit{Journal of Business Ethics}, n. 62, 2006, p. 34
\item \textsuperscript{91} Ibidem.
\item \textsuperscript{92} Alao, Abiodun, \textit{Natural Resources and Conflict in Africa. The Tragedy of Endowment}, University of Rochester Press, 2007, p. 162.
\item \textsuperscript{93} Frynas, Jedrzej George, « Political Instability and Business: Focus on Shell in Nigeria », \textit{Third World Quarterly}, Vol.19, N. 3, September 1998, p. 471 - 472
\item \textsuperscript{94} Center For Constitutional Rights, \textit{Shell’s environmental devastation in Nigeria}, on-line version, URL: \url{http://ccrjustice.org/files/4.6.09%20Environment%20Devastation%20Factsheet.pdf}, p. 1
\end{itemize}
Paradoxically, even if Niger Delta is one of the most important oil-producing areas of the country, people living there have rarely benefitted from the oil revenue. On the contrary, the region has been characterized by impoverishment, lack of infrastructure, youth unemployment and environmental devastations\textsuperscript{95}. The general feeling towards oil corporations were and still are that they have caused deprivation, marginalization, injustice and inequity\textsuperscript{96}.

The Ogoni community that lives in the southern part of Delta area is the most representative of this feeling of exploitation. In this area, oil drilling and gas flaring, mostly conducted by Shell, have contaminated most of waterways and soil. This has had a devastating impact on the community. To stop protest groups emerging, Shell has often called for help from the State’s army, which has often provoked further human rights violations against the Ogoni people. Hence, the Niger Delta region, is not only a good example of environmental damages caused by TNCs activities in developing countries, but also an interesting terrain of analyses for the rise of a civil society struggle. The first attempts to react to TNCs policies were in the 1970’s, by the formation of community development associations. These groups, despite being able to mobilize people, didn’t achieve any practical policy changes from the TNCs. Later, from the mid-1980’s, civil rights and democratic activists movements carried on the battle for the accountability of the State and oil-companies’. From this point, the policies of oil enterprises, the State, and the entire oil economical system, have been queried and challenged\textsuperscript{97}. This new contestation approach has caused the struggle to develop beyond merely local concerns. Contestation began to emerge from oil-bearing communities, ethnic groups, the federal states and the region as a whole. One of the first civil associations, created in the 1990s, was the Movement for the Survival of the Ogoni People (MOSOP). This group, formed by some of the Ogoni’s local leaders, rapidly became the bulwark of the struggle against Shell. In 1995, nine MOSOP leaders were executed, based on accusations that they were involved in the deaths of four conservative members of their movement. The case of “Ogoni nine” drew international attention to the Niger Delta region, and also to the issue of Shell’s accountability\textsuperscript{98}. Among the nine was the moral leader of MOSOP, the activist Ken Saro-Wiwa who, with others, had contributed to the drafting of the Ogoni Bill of Rights, presented to the Federal Government in 1990. Point sixteen of the charter, reads:

\textsuperscript{95} Ikelegbe, Augustine, \textit{Loc. Cit.}, p. 440.
\textsuperscript{96} \textit{Ibidem}.
\textsuperscript{97} \textit{Ibid.}, p. 442.
\textsuperscript{98} \textit{Ibid.}, p. 442.
« [The] environmental pollution laws and substandard inspection techniques of the Federal authorities have led to the complete degradation of the Ogoni environment, turning our homeland into an ecological disaster »\(^{99}\).

In the 4th amendment point, the responsibility of TNC’s is underlined:

« Multi-national oil companies, namely Shell (Dutch/British) and Chevron (American) have severally and jointly devastated our environment and ecology, having flared gas in our villages for 33 years and caused oil spillages, blow-outs etc., and have dehumanized our people, denying them employment and those benefits which industrial organizations in Europe and America routinely contribute to their areas of operation »\(^{100}\).

The Ogoni case is representative of a form of development in which rights are specifically negated, especially those connected with the environment and the social and cultural tradition of the local people. Since the beginning of the Nigerian oil industry, in fact, the Ogoni have been excluded from control of their land’s natural resources, as well as from the protection of the natural landscape\(^{101}\). Since 1999, MOSOP has complained to Shell on three main counts:

- Economic and social reasons: impoverishment of the Ogoni’s community by unfair distribution of oil revenues, non-employment of Ogoni people in the oil industry and the disruption of traditional lifestyles due to the increase of the money economy’s importance;

- Political reasons: cooperation with the military dictatorship, the use of violence and breaches of human rights;

- Environmental reasons: devastation of water and soil, limited compensation, lack of accountability for clean up\(^{102}\);

All those elements provoked a frustration in Ogoni society, directed towards both Shell and the Nigerian government. This can be easily seen in the word of 1999’s MOSOP President, Ledum Mitee:

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« The escalation of recent problems is a direct result of government and the oil companies misreading the situation and once again failing to make good on promises to local people. The pollution, poverty and neglect has reached a point where political promises are seen as ridiculous by local people who have never known either government or oil multinationals to keep a promise in their lifetime »

Environmental degradation and MOSOP activism

While linked to economic, social, and cultural aspects of daily life, environmental devastation has been placed as the top of activists priorities. The movements first protested against environmental damage and the irresponsibility of the oil companies. They generally focused on compensation practice, which was widely seen as unsatisfactory and meagre. Beyond this, specific environmental activism has always been focused on three main points:

1. Protests against oil spillage and TNCs compensation practice;
2. Environmental damages, TNCs irresponsibility, claims for clean up and post-impact strategies;
3. Local monitoring natural degradation and right of oil-bearing communities to decide environmental standards and actions to take.

What most of the movements demanded, at the very least, is the cessation of oil spillage and of gas flaring, seen as the two most devastating activities engaged in TNCs.

Oil spillages have caused many hostilities for its immediate environmental effects, such as deforestation, the pollution of rivers and ponds and soil poisoning. As in the Niger Delta region, the traditional economy was based on agriculture and fishing, the petroleum pollution has caused a radical change of local people livelihoods. Through reducing the fertility of soil and waters’ salubriousness, oil spillage has caused a general decline of local people’s well-being. The host communities’ general belief was, and still is, that TNCs were not making sufficient efforts either to reduce spillage or to compensate damages.

However, the most devastating and worrying oil related activity is gas flaring. This procedure consists in burning the gases left-over from crude oil extraction, which causes toxins to be

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103 Mosop International Secretariat, *Communique issued at the end of a one-day MOSOP workshop on Shell Community Development Projects in Ogoni*, Bori, 22 October 1999, p. 2.

dispersed which contaminate the air, water and soils, and destroys life reproduction conditions. Ogoni’s leaders maintain that oil companies located gas flares near villages, while oil companies argue that flares are usually located far from human habitation. TNCs are accused of flaring gas twenty four hours a day from 1958 till today, thus intoxicating plants and soil, polluting the air and the water, a charge they also deny.

From 1969, the Nigerian government has tried to impose some rules in order to limit gas flaring, one of the most dangerous activities that oil companies engage in on Ogoni land. In 1979, the government tried to impose restrictions on the ability of oil companies to set up infrastructure for gas treatment by introducing the Associated Gas Reinjection Act. The act stated that gas flaring activities should come to an end in 1984. However, this was not a firm deadline, as there was the possibility to avoid them by paying penalties to the Federal Government. Oil companies generally preferred to pay, rather than stop their flaring activities. For a community based on farming and fishing, oil exploitation, gas flaring and deforestation has resulted in the devastation of traditional livelihoods. In 1996 Shell, while strongly maintaining the importance of Nigerian flared gas as source of energy, recognized the environmental damage this practice can lead to. For this reason, the oil company committed to reducing gas flaring to the “minimum needed”, according to a general greenhouse gas reduction approach. While the World Bank reports that in the Niger Delta, gas flaring produces around 35 million tonnes of carbon dioxide every year - and that half of it released from Shell’s flaring activity - the oil company still maintains that flared gas is not the largest contributor to the African nation’s greenhouse emissions.

Since the 1990’s, MOSOP-organized popular action has remained peaceful and non-violent, and has been based on dialogue and boycotting elections. The general focus was – and still is – a call for dialogue, with a focus on consultation and negotiation. Human rights abuses and environmental compensation practice have been the common strategy of environmental rights groups. The central instruments which they use to challenge both the State and TNCs are press statements, interviews, conferences and publicized meetings.

107 Ibidem.
While general contestation started at local level, the environmentalist movement has been pushed to the international field. After the state-sanctioned murder of some of the movement’s activists in 1995 - among them the Ogoni’s leader Ken Saro Wiwa - the case was presented to the UN General Assembly in Geneva. There oil companies, and Shell in particular, were accused of being responsible for human and environment degradations and abuses in the Ogonis’ land\textsuperscript{111}. Using this forum, MOSOP tried to call for international attention, and decided to start legal action against Royal Dutch Shell, which is still being heard. MOSOP’s strategy, to generate international sympathy and civil society support, helped to turn general attention to environmental issues and state supported suppression of minority rights.

\textit{Present situation: the end of the beginning}

Since the mid-1990s, some youth and communal associations have turned to violence and more extreme methods, while regional and ethnic groups - such as MOSOP - remained mostly peacefully and non-violent. Violent movements started to shut down installations or involved themselves in armed confrontation with police and military forces\textsuperscript{112}. The number of pits which have been sabotaged - one of the alleged most widely used techniques of industrial disturbance - went from seven in 1991 to 235 in 1994\textsuperscript{113}. In response to this pattern of direct action, Shell responded by establishing community development projects, but on the whole has failed to appreciate the impact of its operations. This has led the company to misread the people’s demands, and also to refuse to acknowledge some of the basic rights of the Ogoni and to all other oil-bearing communities\textsuperscript{114}.

In 1996 Shell proposed a \textit{Plan Action in Ogoni Land} in which it committed to pay for cleaning up oil spills in the Delta Region. In 1997 the Community Programme Development unit was formed by Shell in order to establish cleaning programmes in the area. Unfortunately, Shell failed to inform and discuss with MOSOP before communicating its intentions to the press\textsuperscript{115}. Activists criticized Shell, alleging that its intentions were far more focused on image and public relations than real interest in the Ogonis’ land, environment and social life. The underlying argument was that Shell needed to establish a serious dialogue with the community in order to create a climate

\textsuperscript{111} Eweje, Gabriel, \textit{Loc. Cit.}, p. 37.
\textsuperscript{112} Ikelegbe, Augustine, \textit{Loc. Cit.}, p. 459.
\textsuperscript{113} Frynas, Jedrzej George, \textit{Loc. Cit.}, p. 464.
\textsuperscript{114} Boele, \textit{Loc. Cit.}, p. 129 - 132.
\textsuperscript{115} \textit{Ibid.}, p. 83.
of confidence and trust in the Niger Delta\textsuperscript{116}.

From 1999, the new democratic government tried to improve the legal framework to regulate petroleum pollution, by pushing for environmental responsibilities of all TNCs involved in extraction on Nigerian territory. However, this appears to have failed to calm tensions, and from 2005 violence has risen. Whilst violent direct action is a last resort of civil groups, there is a generally recognized failure of peaceful methods to bring about the resolution of community demands. A group called MEND (Movement for Delta Niger Emancipation) has launched an armed guerrilla against multinational corporations, which has complicated the situation in the Delta region. In March 2009, Shell decided to pay 15.5 million USD to settle a lawsuit set to be heard by the US Court of the Southern District of New York\textsuperscript{117}. In December 2011, the MOSOP movement declared the constitution of its own Ogoni Environmental Protection Agency (OGEPA), which aims to hold oil companies accountable for environmental damages and human rights violations\textsuperscript{118}.

The Niger Delta case clearly demonstrates how TNCs can be interlinked with political, military and economic forces. This practice can work to exclude local communities from the control of natural resources. This result is a denial of economic, social and cultural rights that can serve to amplify uneven development, as well as to be the trigger of social conflict and clashes.

Texaco in Ecuador: from a local exploitation to a global accusation

*Texaco in Ecuador – The beginning of the end*

The history of petroleum in Ecuador dates back to 1878. In that year the Ecuadorian National Assembly decreed exclusive rights to M. G. Mier and Company for the extraction of petroleum and other bituminous substances in the Santa Elena region, a peninsula on the West side of the

\textsuperscript{116} Ibid., p. 84.
Ecuadorian coast. Several years later, after a long period where economic liberalization in Latin America saw its peak reached, the 1937 government of Ecuador granted Shell Oil the first oil concession in the North/East area of the country, known as El Oriente. This area, which is the basin of the Amazon River, consists of more than 100,000 km² of tropical rain forest, and has one of the most diverse collections of plant and animal life in the world.

In 1964, during the military junta, two American oil companies - the Texaco Petroleum Company, (TexPet), a subsidiary of Texaco, and the Ecuadorian counterpart of the Californian Gulf Oil Corporation (GOC) - were officially invited to explore the Amazon region for oil. The two companies then formed an equal shared Consortium. This “Gulf Oil” signed a twenty-eight year agreement with the Ecuadorian military junta and began drilling in the forest. The 1964 Texaco-Gulf Concession Agreement granted the Consortium a 1.5 million hectares work area. In 1967, the Consortium discovered a vast oilfield beneath in the Amazon North-Eastern region of Lago Agrio, in the Sucumbíos province. This was the first commercial petroleum reserve discovered in the country. During the following ten years, more than two hundreds wells were drilled and several large pieces of oil infrastructure were constructed in the area. The first oil-pipeline in the country was completed in 1972 and went from the Amazon forest to the coast. Prior to the building of the SOTE (Sistema de Oleoducto Transnacional de Ecuatoriano) no public debates were conducted. In this period oil was considered an essential resource, and so important for national development that almost every small discovery was celebrated, with very little critical evaluation of the individual merits of the find.

Through the 1970s, the relation between the Gulf Oil consortium and the Ecuadorian government began to change, as did the Concession’s official terms. In 1973, under the presidency of the military dictator Guillermo Rodriguez Lara, a presidential executive decree

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gave the government full regulatory and supervisory authority over the Consortium operations\textsuperscript{124}. The next year - while the SOTO pipeline was still under construction - the number of hectares granted to the consortium was reduced to 491,355. In the same year, the Ecuadorian government set up a national oil company - Petroecuador - that immediately proceeded to buy 25\% of the Consortium\textsuperscript{125} and started to work with Texaco\textsuperscript{126}. From the moment that the Ecuadorian military junta joined the Oil Producing and Exporting Country association (OPEC) in 1973, oil became more and more important as a source of the Government’s revenue. In December 1976, the national company acquired Gulf's remaining share, increasing its ownership of the Consortium to a 62.5\% majority interest. By 1987 oil accounted for two-thirds of export revenues, as well as sixty per cent of the governments’ earnings\textsuperscript{127}. The military junta used oil revenues to control financial transactions and to offer credit, to subsidize energy and food and to build infrastructure, provide social services such as water provision systems and health care, education structures, and so on\textsuperscript{128}. It is certainly fair to say that from this point, Ecuador became one of the most oil-dependent economies of the world.

In over twenty years of oil activities, more than 1.4 billion barrels of crude oil have been extracted. The amount of oil that was spilt is estimated to be close to 17 million barrels. Much of this oil has seeped back into the ground contaminating soil and water supplies\textsuperscript{129}. From 1964 till 1992, more than 650,000 barrels of oil were unloaded in rivers and in the Amazon rainforest, and much of the water and soil in the area has now been contaminated by hydrocarbons\textsuperscript{130}. What must be remembered is that, in those twenty years of activity, Ecuador shifted from being a small agrarian nation to one which was part of the industrial world\textsuperscript{131}. Texaco, which was the primary foreign oil company in Ecuador between 1964 and 1992\textsuperscript{132}, drove this economic change. While there were other oil companies in the country, their discoveries were put into production only

\begin{thebibliography}{9}
\bibitem{125} Ibidem.
\bibitem{129} Ibid., p. 72.
\bibitem{130} Fajardo, Pablo and De Heredida, Maria Guadalupe, \textit{Loc. Cit.}, p. 187.
\bibitem{131} Sawyer, Suzana, \textit{Op. Cit.}, p. 11.
\bibitem{132} Ibid., p. 13.
\end{thebibliography}
after 1992\textsuperscript{133} - the year in which Texaco left Ecuador.

\textit{From Texaco to Chevron passing through Petroecuador – a long history of discharging responsibility}

The “oil boom” that exploded in Ecuador during the 1970s was largely conducted by Texaco. However, it failed in meeting expectations regarding national progress and economic development, and has also condemned much of the amazon region to physical sickness. Oil activities transformed the country into a state dependent on oil revenues, making it highly vulnerable to economic crises. It is also now an environmentally contaminated state, with some of the highest poverty rates in Latin America\textsuperscript{134}. While environmental damage was already occurring throughout the oil producing regions of the country, economic problems also began in the early 1980s. At the international level, the price of crude oil fell when economic reports began to warn about the possibility of petroleum reserves running dry\textsuperscript{135}. Furthermore, the military junta’s use of oil revenues to cover ambitious national projects, as well as access to credit being dependent on future petroleum revenues, slowly opened the door to a drastic economic crisis\textsuperscript{136}. As the entire international economic system was touched by the 1980s recession, international lending rates increased dramatically. Between 1974 and 1982 the state’s foreign debt rose from 18\% to 60\% of gross domestic product\textsuperscript{137}, thus reinforcing the country’s dependence on foreign investments, as well as on international economic organizations. Ecuador was suddenly caught in a vice-like grip between the World Bank and the International Monetary Fund. Loans were accorded only on the condition of neoliberal economic policy implementation, often under the guise of ‘structural re-adjustment’. Because of the severity of the debt crisis, as well as the oil price crash, the new democratic government of Ecuador opted to increase oil production in order to finance its foreign debt\textsuperscript{138}.

The year 1992 can be seen as the tipping-point year. When the Gulf Oil Concession agreement expired, Petroecuador acquired 100\% ownership of the Consortium\textsuperscript{139}. Texaco withdrew from Ecuador and turned over its entire, albeit outdated, oil operation and infrastructure to

\begin{footnotesize}
\begin{enumerate}
\item \textit{Ibid.}, p. 226.
\item Maldonado, Adolfo and Narvaez, Alberto, \textit{Ecuador ni es, ni será ya, país amazónico}, Acción Ecológica, Quito, January 2003, p. 68.
\item Sawyer, Suzana, Op. Cit., p. 94.
\item \textit{Ibid.}, p. 11.
\item \textit{Ibidem}.
\item \textit{Ibid.}, p. 12 - 13.
\end{enumerate}
\end{footnotesize}
Petroecuador\textsuperscript{140}. In November, the newly elected President Sixto Suran Ballén suspended Ecuador’s OPEC membership. New plans for foreign oil companies were drafted following World Bank suggestions. A contract system, termed “Production Sharing”, enabled multinational companies to avoid Petroecuador and ministerial controls over investments, which had previously been carried out in order to accord exploration costs’ reimbursements. While the buying of contracts was no longer the only way in which foreign firms could be involved, supposed control over multinationals’ activities was virtually eliminated. Aiming to reduce the state monopoly over activity and to liberalize the Ecuadorian economy, the “Production Sharing” policy gave contracts to those companies who were planning to invest more, and which agreed to offer the state the most profitable production-sharing deal. This system then accorded multinational corporations a greater autonomy and a greater share of the profits\textsuperscript{141}.

At the beginning of the 1990s, several environmental analyses of the country denounced the contamination of air, soil and waters. In the same period, Ecuadorian foreign debt reached a peak of US $ 12.9 billions. From that moment the Ecuadorian government re-evaluated its position concerning oil, both in a good and in a bad way. After several industrial accidents, the National Congress drafted two new laws, the “Modernization Law” of 1993 and the “Hydrocarbon Law” of 1994. The latter is remembered as the introduction of the logic of neoliberalism to the Ecuadorean economy. While following the World Bank, International Monetary Fund and InterAmerican Development Bank’s conditions to solve their foreign debt problems, Ecuador’s government established incentives for multinational corporations to increase their exploration and production activity. By reducing the state’s role in oil activities, and by trying to de-monopolize and modernize the hydrocarbon sector through re-evaluating the role of Petroecuador, those measures were evaluated as not compromising the environment. They were roundly viewed as a package of reforms which were very development oriented\textsuperscript{142}.

One year after Texaco left Ecuador, a class action against the American oil company was settled in the United States\textsuperscript{143}. The plaintiff’s lawyers, representing indigenous citizens of the Oriente region, accused the company of environmentally unsound substance dumping as well as

\textsuperscript{142} \textit{Ibid.}, p. 109 - 111.
environmental contamination. This class action suit argued that through Texaco’s use of substandard drilling practices, the firm had saved around US $8.3 billion. This practice was described as an “unjust enrichment” in the case\textsuperscript{144}. Even more, the company was accused of having left the country without engaging in a proper clean up of the local environment, which had been contaminated by significant levels of toxic waste discharge. In response, Texaco accused Petroecuador, calling for it also to be held responsible, as it was a majority partner in the consortium, as well as being a party to the Napo Joint Operating Agreement. The American oil company affirmed that Petroecuador had been exercising significant control over the operations, as well as having been the sole operator since 1990. This led it to participate in all major decisions relating to equipment, technology and production methods, and should thus be equally culpable for any environmental infringements\textsuperscript{145}.

When in 2001 the giant Californian oil company Chevron bought Texaco, the war of responsibility continued unabated. The new firm, Chevron-Texaco - from 2005 called again Chevron - assumed an attacking position in the trial by accusing the plaintiffs of fraud\textsuperscript{146}. The company argued that there was no scientific support for the claims and that « Texaco Petroleum Operations presented no risk to resident’s health and have not resulted in any significant environmental impact to groundwater, drinking water, biodiversity and indigenous culture »\textsuperscript{147}. Even when in February 2011 an Ecuadorian judge concluded the trial by fining Chevron US $18 billion, the company still maintained that the ruling lacked scientific merit and that the court was ignoring « evidence of fraud and misconduct »\textsuperscript{148}. When the verdict was upheld in February 2012, Chevron was still calling fraud, while the plaintiff’s backers hailed the decision as an unprecedented victory.

I will later analyze further details of the lawsuit. Now, in order to comprehend the importance of the trial, I will try to understand what environmental damage and health risks have been attributed to the twenty eight years activity of Texaco in the Oriente region.

\textsuperscript{144} Widener,Patricia, \textit{Loc. Cit.}, p. 88.
\textsuperscript{147} \textit{Ibid.}, p. 1.
\textsuperscript{148} \textit{Ibidem.}
When Texaco discovered large quantities of extractable oil in Ecuador, the government was led by an interim president, Otto Arosemena. In 1968, he was substituted with a popular elected president, Jose Maria Velazco Ibarra - a well-known and established figure of the Ecuadorian body politic - who soon suspended the Constitution and declared a dictatorship. In 1972, a military coup headed by General Guillermo Rodriguez Lara toppled the Ibarra regime and declared the beginning of an Armed Forces’ Government. Rodriguez Lara promoted a new plan for the administration of oil production, putting it at the centre of Ecuadorian economic activities. The idea of Rodriguez Lara - presented in the Philosophy and action plan of the revolutionary nationalist Government of Ecuador proclamation - was that the oil belonged to the State, and for this reason all Ecuadorian citizens should benefit from it, through programmes of economic development\textsuperscript{149}. In December 1972, another programme was adopted under the name of «Comprehensive Plan for Transformation and Development. 1973 - 1977». Despite the high-sounding language used to promote the plan, marginalized people continued to be excluded from the benefits associated with oil revenues\textsuperscript{150}. As the government was claiming state ownership of natural resources, it also decided to create the Petroecuador national company and to reduce the area that was allocated to TexacoGulf for management and extraction. In response, Texaco started to apply pressure to the government by halting or blocking extraction activity, a process which facilitated the removal of Rodriguez Lara from power. The three-man junta - Consejo Supremo de Gobierno (CSG) - that came to power in 1976 led the country back to civilian rule, which was finally achieved in 1979. However, this immediately presaged the oil shock. When it arrived, the Ecuador Government was no more ready to enforce its authority over foreign companies than it had been before. This led to these TNCs becoming the “new rulers” of the Amazon region.

Throughout the 1980s, the interests of government and Texaco became more and more converged, and were further strengthened by the ‘oil boom’ that occurred around 1984\textsuperscript{151}. From this time, successive Ecuadorian government have strongly linked development with petroleum policy, under the belief that foreign capital has the power to resolve many social issues, including


\textsuperscript{150} Ibid., p. 419.

\textsuperscript{151} Ibid., p. 422.
income inequality, in the country\(^\text{152}\). Under this paradigm, scant restrictions were placed on the operation of multinationals, especially in the Oriente region\(^\text{153}\). As in international terms Ecuador is a relative small producer, it has always remained vulnerable to global market and international economic flows. Being dependant on oil - a non-renewable resource - the national economy has not been able halt its reliance on petrochemical rents, and has seen only limited success in attempts to foster and develop new reserves\(^\text{154}\). That is to say that, while the political apparatus has focussed on economic development, it has failed to sustain the social one, increasingly retreating from its role as the protector of its people. This has been particularly true concerning indigenous people and subaltern groups.

Since 1999, a number of studies have demonstrated the ecological and health risks associated with petroleum production. Prompted by these, the government decided to monitor oil companies’ activities by statute, requiring them to regularly monitor the level of pollution in the environment and to send reports to the government\(^\text{155}\). Apart for a small effort, the Ecuadorian government has been accused of having failed in its duty to protect its citizens. Some indigenous groups have claimed that Texaco has had to answer only to economic factors when it decided how to mitigate effects of its oil activities, and that it has knowingly engaged in dangerous practices, which are often illegal in their home countries. This only became possible due to the capital-oriented attitude of the Ecuadorian government, which has led to its consistent failure to comply with the minimum duties associated to its citizens, and to environmental protection. Neither the government nor Texaco have taken reasonable precautions to avoid contaminating the environment, which has led to direct threats to human health. The state has also failed to provide judicial remedies for victims of contamination, including access to information about the development of oil activities, and the subsequent risks. Finally, the government itself failed to regulate private actors effectively, or to prevent such contamination and to protect citizens’ well-being\(^\text{156}\). For all these reasons, indigenous people often feel as if they are thought of as « racially inferior waste people »\(^\text{157}\), who are not worthy of protection.

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\(^{153}\) Ibid., p. 100.  
The Oriente region consists of 40 million hectares of tropical rainforest, which is crossed at one end by the Amazon River. The forest is one of the last places several endangered plants and animals can be found in the world, and has been defined as a «global epicentre of biodiversity »\textsuperscript{158}. The region includes six provinces: Sucumbios, Orellana, Napo, Pastaza, Morona Santiago, and Zamora-Chinchipe\textsuperscript{159}. Nowadays, around 500,000 people live in the region, which is about 4.5 % of the country’s population. These half a million persons include eight groups of indigenous people as well as peasants who, encouraged by land policies of the national Government during 1970 - 1980, moved to the area from Ecuador’s coastal and highland regions. The Quichua and Shuar account for the majority of the indigenous people, with the rest divided among the Huaorani, the Secoya, the Siona, the Shiwar, the Cofan, and the Achuar. Those groups of people have always based their means of support on the sustainable use of natural resources and, in consequence, have always been extremely bound to the rainforest\textsuperscript{160}.

In this area, tensions between the Ecuadorian state and the indigenous communities began during the early 1960s, and intensified in 1964. In that year, the first Agrarian Reform Law was passed by Government, which abolished the ancient feudal system of ownership, and led the expropriation of some haciendas and former Church lands. Between 1964 and 1994, land distribution was driven by the principle of colonization - sponsored by the state - and dramatically transformed the cultural and economic organization of the area. From the point of view of culture, chaotic demarcation of lands tended to divide the integrity of indigenous nationalities, undermining their solidarity and eroding the highly embedded relationship between cultural practices and the landscape\textsuperscript{161}.

On the economic side, the agrarian nature of the area has been undermined. Previously untitled rain forest lands - called tierras baldías, or no man’s lands - were given to new colonos or given out by the state as its own patrimony\textsuperscript{162}. With the discovery of oil reserves in 1964, the situation worsened. Especially in the province of Napo, Orellana and Sucumbiosa, Texaco started to exploit oil reserves. In order to establish its activity, the American company “ filled the blanks ” of the rainforests with oil wells and bare-bones infrastructure, which contaminated both

\textsuperscript{159} San Sebastián, Miguel San Sebastián and Hurtig, Anna - Karin, \textit{Loc. Cit.}, p. 205
\textsuperscript{160} Center For Economic And Social Life, \textit{Loc. Cit.}, p. 86.
\textsuperscript{161} Sawyer, Suzana, \textit{Loc. Cit.}, p. 51.
\textsuperscript{162} \textit{Ibid.}, p. 43 - 44.
surface and subterranean waters. During the period 1972 - 1993, around 114 billion litres of toxic waste and crude oil were discharged into the land and waterways of the northeastern area of the Oriente region\textsuperscript{163}. These wastes were frequently deposited into open pits - called separation ponds - from which they were directly released into the environment. During the production process oil is normally extracted in a mixture with water that must be separated. Wasted liquid in excess is then discharged into the environment and waste gas from the separation process is burned, without temperature or emissions’ controls. Texaco thus also contributed to air contamination, and did this through daily operation of this practice\textsuperscript{164}. Even during the early years of its activity in the Oriente region, the firm wilfully ignored United States industrial standards, and discharged oil wastes into pits and burnt off crude residues. The company generally took scant environmental and health precautions in order to save billions, which significantly added to corporate revenues\textsuperscript{165}.

For many years residents of the oil-producing areas of the Ecuadorian Amazon have raised concerns over pollution related to oil development. Mostly - but not only - connected with water contamination, health problems started to arise all around the Oriente area. Toxic and carcinogenic substances that pose a threat to human health have been propagated around the area for several reasons. Among these, the lack of maintenance of aging oil infrastructure has become a key factor, which causes spills. In frequency and severity this is followed by technical failures of various origins, negligence and human failings, vandalism, sabotage and attacks\textsuperscript{166}. The most dangerous element of these failures for human beings is that crude oil and its constituents enter the human body through three routes: inhalation of oil on dust or soot particles, ingestion of food and drink and skin absorption\textsuperscript{167}. In the case of the Oriente, all three possibilities exist.

In the first instance, the inhalation of crude oil fumes has been proved to be dangerous for the nervous and the respiratory system. Those toxic gases can provoke chemical pneumonia and other life threatening effects\textsuperscript{168}. Particularly in the Oriente region, oil specks have been emitted into the atmosphere from burning waste pits. These pits also contain the drilling fluids pentachlorophenol and tetrachlorodibenzodioxins, which are extremely harmful to human beings.

In terms of the ingestion of food and drink, the moment that oil production started, rivers

\textsuperscript{163} San Sebastian, Miguel San Sebastián and Hurtig, Anna - Karin, \textit{Loc. Cit.}, p. 205.
\textsuperscript{164} \textit{Ibid.}, p. 207.
\textsuperscript{165} Sawyer, Suzana , \textit{Loc. Cit.}, p. 100 - 101.
\textsuperscript{166} Maldonado, Adolfo and Narvaez, Alberto, \textit{Loc. Cit.}, p. 208.
\textsuperscript{167} Center For Economic And Social Life, \textit{Loc. Cit.}, p. 87.
\textsuperscript{168} \textit{Ibid.}, p. 88.
began to lack fish or any other form of aquatic life, which compromised a significant proportion of the available nutrition for indigenous communities, thus putting them at risk of malnutrition. Sheep farming was also altered as animals began to die from drinking from streams and rivers contaminated by oil-related substances. Furthermore, people were - and still are - daily in contact with toxic water through cooking, drinking and washing.

Finally, by bathing and garment washing, skin absorption is very common. During and after twenty-eight years of oil activity in the Oriente, medical concerns arose concerning blood issues, dermatitis and skin mycosis increase\textsuperscript{169}. Crude oils’ most toxic components, such as polycyclic aromatic hydrocarbons (PAHS)\textsuperscript{170} and volatile organic compounds (VOCS) have been proved to irreparably affect reproductive and cellular development of life forms - human, animal and vegetal - and to lead to skin diseases and various form of cancer\textsuperscript{171}.

This data lets us understand how petroleum production did not bring to the Oriente and the Amazon area the modernization and well being that both Texaco and Ecuador’s government have claimed. Oil exploitation has worsened both the environment and human health and - consequently - economic conditions of indigenous and non-indigenous people of the region. This is why, on November 1993, in a New York federal court, thirty thousands Ecuadorian citizens - coordinated by the civic group \textit{Frente de Defensa de la Amazonia} and supported by several NGOs - presented a class-action suit against Texaco.

\textit{The legal saga}

The class action lawsuit Aguinda vs. Texaco - started in 1993 in the Southern District of New York. Texaco stood accused of large-scale environmental abuse in the Oriente region. The American company, during the three years of pre-trial, pushed to relocate the lawsuit to an Ecuadorian court because several parties essential to the trial found it impossible to appear in the United States. Those parties included Petroecuador and the Ecuadorian Government, both of which were covered by Foreign Sovereign Immunity, a status accorded to them by the United States. In 1996, in order to overcome this legal barrier, the case was heard in an Ecuadorian

\textsuperscript{169} Maldonado, Adolfo and Narvaez, Alberto, \textit{Loc. Cit.}, p. 208.
\textsuperscript{171} \textit{Ibid.}, p. 269.
court. The only condition imposed on the process was that a United States Court would be charged with enforcing the final judgment of the court.

At the beginning, the class action was initiated in United States because of the possibility to found it on the US 1789 Alien Tort Claim. According to this act « a civil court has original jurisdiction of any civil action by an alien for the tort committed in violation of the law of the nation or of treaty signed by United States at international level ».

This law allows U.S owned companies to be tried by a U.S federal court for alleged harms, even if these are committed in another country, as long as they are in violation of international laws. Over time, this law has evolved, making environment tort a sort of *jus cogens* of international law. This allows TNCs to be held accountable for damage caused in their host countries. This is especially pertinent in the case of Texaco’s operations in Ecuador, as the company was operating on lands upon which the plaintiff’s was living, and thus involving private actors. In this case, environmental and health damages were seen during the process as human rights violations rather than a simple pollution act. Texaco was accused of having taken advantage of the lack of environmental protection standards for the oil industry in Ecuador. It did not develop and implement plans to contain and clean-up spilled oil and mitigate damages, to provide affected residents with alternative water supplies or to indemnify them when crops and natural resources were damaged. While it is understandable that Ecuador’s petroleum policy of the 1970s and 1980s was totally focussed on economic rather than social and environmental concerns, it is not the same for Texaco’s attitudes. What the plaintiff’s claimed was exactly the fact that the American company - given its worldwide experience - « had, or should have had, knowledge about both the hazards of oil field pollution and technology that could be used to reduce it ».

At the beginning of the Ecuadorian session of the trial, the company was required to clean up 250 contaminated sites at a cost of US$ 40 million. Soon after that - in 1995 - it was discharged of any responsibility for environmental or social costs by signing an environmental remediation with the national government. Beyond this action, in 1998 the new Ecuadorian president Jamil...
Mahuad, through the promulgation of the Final Act « released, absolved and discharged forever » Texaco. It also certified that the company had fully performed its obligation coming from the Remediation Act signed in 1996 in order to discharge Texaco of any responsibility in the country\textsuperscript{177}. As Olseen has noted, during the 1990s, this kind of procedure between multinational companies and developing countries was very common\textsuperscript{178}.

Indigenous reaction took 8 years to come. In 2005, a claim for judicial action was deposited at the Corte Superior de Justicia of the Sucumbíos province. This action is enshrined in law as a right of popular action against personal harms, and is found in the Civil Code of Ecuador\textsuperscript{179}. By mobilizing the national legal framework concerning environmental disputates, people claimed that Texaco should assume the costs of full compensation for damages. After six years and several lawsuits, the case ended in February 2011 with Chevron Corporation - the new owner of Texaco, and one of the largest consortiums in the US oil industry - being ordered by the Court of Sucumbíos to pay US $ 9 billion for environmental damages. The company has been ordered to publicly apologize, to clean up the zones contaminated by toxic elements and to remove all infrastructures related to extractive activity\textsuperscript{180}. In March 2012, the same court upheld a subsequent judgment that required Chevron Corporation to pay US$ 18 billions. The company was fined for not obeying the previous ruling, which sought pecuniary compensation for the clean-up of contaminated areas\textsuperscript{181}.

\textit{Here we present the fragmentation}

Limits, difficulties and problems of representation faced by the affected people during the lawsuit should also be highlighted\textsuperscript{182}. First of all, a significant question, which has remained

\begin{flushleft}
\textsuperscript{177} \textit{Ibid.}, p. 29. \\
\textsuperscript{178} \textit{Olsen, Jenne E., Loc. Cit., p. 73.} \\
\textsuperscript{179} \textit{Fajardo, Pablo and De Heredida, Maria Guadalupe, Loc. Cit., p. 184.} \\
\textsuperscript{182} \textit{Kimerling, Judith, « The story of oil patch: the under-represented in Aguinda vs. Texaco »}, \textit{Carnegie Council for Ethics in International Affairs}, 6th April 2000, on - line version, URL: \url{http://www.carnegiecouncil.org/resources/publications/dialogue/2_02/articles/612.html/:pf_printable.}
\end{flushleft}
unanswered since 1994, is the issue of who the appropriate representative of the afflicted people is. As affected people decided to follow the legal path, they required one interlocutor for all the different organization presenting similar - but not identical - complaints. The Frente de la Defensa de la Amazonia (FDA) is a social organization founded in 1994 in order to unite twenty associations of Amazonian communities affected by actions of the oil industry. While it was initially created to assist lawyers and NGO’s during the trial and to put pressure on the Ecuadorian government, it fast turned into a lawsuit focused organization. Supporting the litigation became an end in itself, with the effect that the environmental and health issues have been somewhat overshadowed. The FDA lost some control over these lawsuits, with the result that lawyers began to start selecting plaintiffs without necessarily having direct contact with, or guidance from, the communities as a whole. This resulted in a dependency on lawyers, as well as a general exclusion of directly affected people form the legal proceedings. Statements and judgments were not translated into Spanish, nor distributed among communities, thus creating a lack of information amongst the communities, and a subsequent loss of confidence in the legal method of protest. In 1998, in order to make up for their perceived loss of decision-making power, a group of activists formed the Comitato de los Afectados which was then designated as the official spokesperson during the trials. It must be noted that this decision was not without criticism from the FDA. The relationship between the committee and the front has always remained controversial. Since 2001, the Asemblea dos Afectados por Texaco is a representative of both the organizations cited above. In 2012, the True Cost of Chevron Network, was born. However, the strong presence of several international NGOs (such as AmazonWatch, Acción Ecologica and others) has not actually assisted in any clarification of who was maintaining the claims for the affected people’s interests and concerns.

The Oriente case clearly shows us how communication among actors is important - if not essential - when high value concepts, such as human rights, environmental protection and human well being, are at stake. The interest of the case is further heightened due to the collaboration between the state and Texaco in creating a system of governance, which led to the environmental, social and human degradation of the region.

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184 Shan, Han and Cassady, Ginger, Loc. Cit., p. 38.
A COMPARATIVE RESEARCH ON COUNTER HEGEMONIC STRUGGLE

Research presentation - a comparative exposure of results

In developing this reasoning, we need to apply theory to practice. In order to answer to the original question, how civil society’s movements try to influence transnational corporation’s behaviour, we will now focus on the nature and strategies of these movements’ activities. In keeping with the methodology, this shall be through a comparative approach. This will allow the analysis to be both broader and deeper. Through the lens of subaltern class analysis, we will now examine the two most representative social movements of our case studies: for Nigeria, the Movement for the Survival of the Ogoni People (MOSOP); for Ecuador, the Frente de Defensa de la Amazonía. This research will try to discover their local and national attitude, as well as their international behaviour. This separation reflects the two working hypotheses, which will be briefly reflected over, prior to the analysis of the data analysis.

First, it is assumed that, at the local and national level, civil society movements act as subaltern classes against neoliberal hegemony. In order to confirm or refute this assumption, we will follow the Neo-Gramscian analysis to understand which kind of “war” - in the Gramscian sense - they are conducting. To do so, we will first look at both movements’ origins and the development of their consciousness. Continuing this level of analysis, their strategies will be examined, in order to identify how, and if, those movements are putting in place a “counter-hegemonic struggle”\(^ {186}\), or an “anti-passive revolution” against both the state and TNCs.

Secondly, a key assumption is that civil society’s movements themselves make use of international and transnational actors, by calling the attention of the media and press to their issues. This is assumed to be a consequence of their need to expand the perceived importance of the issue they are fighting for. To confirm or refute this hypothesis we will focus on the movements’ ways of positioning their arguments, on the mobilization model chosen by each and on the type of allies they have, or are looking for. According to the Neo-Gramscian paradigm this approach will help foster an understanding of how these two hypotheses are suitable lenses through which to understand the role of civil society movements in the improvement of corporate environmental responsibility in developing countries.

As explained in the introduction of our research, all information and data in the following

section have been collected by the analysis of MOSOP and FDA’s websites. This will allow for a combination of the Neo-Gramscian theoretical and methodological structure with the agenda building theory method.

In the Nigerian case, the Movement of Survival of Ogoni People (MOSOP) uses three main instruments of information on its website: press, techno-juridical statements and reports. These instruments are mostly directed to local people in order to help them understand and reflect on the Niger Delta issue. The Ecuadorian example is different: the website of the Frente de Defensa de Amazonía is an explanation of the organization, its work, its system of values, as well as its main activities. It contains more or less no reference to the use of press. However, the FDA website focuses on the power of images by publishing several documentaries and videos documenting the effect of oil extraction on the Amazonian environment.

By analyzing the two websites and the information included in them we will also develop an understanding of how the two organizations present themselves to external actos, and how they want to be seen.

**Subaltern agencies at the local and national level**

* A war of position. Origins and consciousness rising

At the end of 1950s, and a few years before the beginning of the decolonisation process - which came to significantly change the world - resource hunting was a widespread activity of transnational corporations (TNC’s). Between 1955 and 1965, both Royal Dutch Shell and Texaco were involved in significant oil exploration in several developing countries. As Shell focused on Africa, and especially Nigeria, Texaco was putting its energies on Ecuador. In the mid-1960s, when oil was found and extraction began, Dutch Shell was mostly working through joint ventures headed by Shell Petroleum Company\(^\text{187}\) - the enterprise entity expressly created for the Nigerian operation - while Texaco used to be a part of a dual - later tripartite - Oil Consortium\(^\text{188}\). Both companies operated with a high degree of co-operation with the governments of Nigeria and Ecuador. During the 1970s, when the negative impact of


environmental degradation overtook many of the perceived benefits of new oil related economic activities, civil society was highly affected. This process encouraged the people to respond. Rather than reacting - as Gramsci would say - by setting up a war of manoeuvre which was oriented towards violence and institutional subversion, local groups put in place a war of position, that is to say an ideological struggle over hegemony. However, real organized groups didn’t rise up before the first part of the 1990s. The Movement for the Survival of Ogoni People was founded in Bori, in the Niger Delta Region, in 1990. The group declared itself as a “non-governmental, non-political apex organization of the Ogoni ethnic minority people of South-Eastern Nigeria”\(^{189}\). The aim was non-violent and five main points were selected as goals:

- Promotion of democratic awareness;
- Protection of the environment of the Ogoni People;
- Social, economic and physical development for the region;
- Protection of cultural rights and practices of the Ogoni people;
- Appropriation of self-determination rights\(^{190}\).

Focused on ethnic minority protection and self-determination, the MOSOP initially directed its attention at the Nigerian Federal Government, which was seen as responsible for the violation of the Ogoni’s rights, carried out both by the Shell Petroleum Development Company and other minorities in the country. Their feeling of oppression was so heightened that, by contesting environmental degradation and resources exploitation, they were - and still are - requesting political autonomy for the Ogoni minority as regard to the Nigerian Federation. What they affirmed in their Ogoni Bill of Rights, presented in 1991 to the Federal Government, was that political autonomy was the only way to be assured of certain basic rights « essential for their survival as a people »\(^{191}\).

Almost in the same period, but on the other side of the world, the Amazonian communities of Ecuador were joining forces in a social organization, called *Frente de Defensa de la Amazonía* (FDA). Created in 1994, the FDA is a platform formed of twenty organizations and local

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\(^{190}\) *Ibidem*.

community groups. The aim of the social consortium was - and still is - that of human and environmental rights’ protection of the whole Amazon region of Ecuador, starting from a local point of view or, as they said «desde la gente y para la gente» (from people for people). Among their goals, we find explicit reference to environment restoration and to the necessity of contrasting oil activities’ negative effects all around the region. What they are asking is «una Amazonía libre de contaminación», that is to say, that the Amazon be free from pollution. Since 1994, when the FDA obtained its legal status with the Ministry of Social Welfare, the group has been engaged in the monitoring of the Texaco case.

As can be seen from the description above, the context of origin of the political organization of MOSOP and FDA was almost the same. At both sides, three actors were initially involved: the state, the people and the TNC. But with the evolution of these movements and the formalization of their claims, their initial framework changed, and the identity formation process of the two organizations differs. MOSOP began to include in its claims mention of oppression not only against the Shell Petroleum Company and the Federal Government, but also against other local and national minorities. That is why in the Ogoni Bill of Rights there is consistently affirmed a need for the political autonomy of the Ogoni minority. The purposes of the struggle were highly locally oriented, and were anchored to the exploited area and the minority’s culture and lifestyle. On the other hand, the FDA attempts to involve several different communities in order to create a regional platform for the defence of the whole Amazon forest. The Amazon region was seen as an ancestral place, the birthplace of the indigenous culture as well as the unique mean of subsistence to assure it a future.

In order to better understand this two civil society movement’s “power of influence”, the following section will focus on strategies they used to conduct their respective ideological wars.

Strategies to conduct the war: the activation of civil society

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193 Ibidem.
194 Ibidem.
Following the neo-Gramscian paradigm proposed by Adam David Morton, the first element of a pragmatic analysis of the two chosen movements is through looking at their strategies of activism. With the beginning of intense extractive activities by TNCs, social structures of indigenous people changed. Both in the Niger Delta and in Amazon Forest, local communities which used to be peasant and rural, found themselves stripped of the ability to pursue their previous lifestyle, because of the high levels of environmental devastation and degradation. Communities then began to put in place strategies of resistance to the hegemonic system of the oil companies. The question that this section will address is whether these strategies can be seen as “attempts to challenge the uneven development of neo-liberalism within the political economy”\(^{197}\). That is to say, what we will question is if their forms of resistance can be labelled as “counter hegemonic struggles”, the resistance category elaborated by Antonio Gramsci\(^{198}\). To do so we will follow the anti-passive revolution scheme of analysis that Adam David Morton applied to study the Zapatista’s movements in Chiapas, Mexico. This scheme focuses on five main points through which counter-hegemonic struggle can be conducted: the activation of national and international civil society, the aim to address and establish indigenous rights, the appeal to collective interests beyond identities of ethnicity, the campaign for wider democratization and the creation of new and innovative forms of governance within the community. The first point, which is the activation of civil society, focuses on the different mobilization and organizational forms. We will highlight the range of appeal - local, national or international - and the relationship between the leaders and the led\(^{199}\).

Concerning MOSOP in Nigeria, both the *Ogoni Star; Voice of Niger Delta People* and the only copy of the *Ogoni Review* downloadable from the website usually speak directly to the people. It is from here that MOSOP directs the attention of the Niger Delta People, for example by asking the Ogoni people to « […] embrace its accountable initiative as they make even hesitant steps to improve how those in political office take into account the voices of the people »\(^{200}\). The movement focuses and insists on the value of the electoral power of people, seen and presented as the most important instrument to make government - and indirectly oil enterprises - accountable for their actions. On February 2010, from the pages of the *Ogoni Review*, Ledum Mitee - at that time President of MOSOP - launched a campaign called “My


Votes Must Count”. He invited « [...] Ogonis who have not yet done so, to go out and register as voters [...] »\textsuperscript{201}. The message Mitee and several MOSOP spokespersons wanted to transmit was that what Niger Delta people needed was a forceful advocacy and a civil society commitment based on fair bargaining with political power. The strategy proposed was that of general elections that, as Mitee affirmed, should be used to « send a message to the parties that they stand a risk of losing support if they do not present credible candidates »\textsuperscript{202}. The contest was presented as « the struggle to replace the mockery of democracy »\textsuperscript{203} with the people portrayed as « leading the struggle of democratically determining who leads, governs, and represents us as the core of the next stage of [the] struggle »\textsuperscript{204}. From these statements we can clearly understand how MOSOP wanted to ground the relationship between leaders and those led on accountability. With regards to Shell, it is these civil actions, rather than political pressure, which is mobilized. In an article published on the \textit{Ogoni Star} on February 2011 reviewing the new possible agreement between Shell, Nigeria Petroleum Development Company (NPDC) and the Federal Government, a statement of the National Union of Ogoni Students (USA) reads: « We shall be forced to take civil actions against Shell and all those behind these constant threats to the peace of Ogoni »\textsuperscript{205}. Still talking about the relationship between Shell enterprises and the Ogoni People, in another interview, published in January 2009, Ledum Mitee underlined how the Ogoni « [...] Will insist on the best international corporate and environmental practices to ensure that we get a share of every barrel of oil and gas from our land [...] Ogoni will not accept any standard lower or like those we experienced with Shell »\textsuperscript{206}.

While insisting on civil society action, MOSOP underlined how this must be conducted through a strategy of non-violence, as emphasized when promoting an anti-kidnapping campaign in 2009. According to the \textit{Ogoni Star}, during the Anti-Kidnapping March of January 3\textsuperscript{rd} 2009, « handbills and posters were distributed to the locals, appealing to them to expose those involved in such activity »\textsuperscript{207}. While civil participation was encouraged, violence and kidnapping are seen


\textsuperscript{202} Ibidem.

\textsuperscript{203} Ibidem.

\textsuperscript{204} Idib., p. 2.


as dangerous for the final goal of the movement, which is to make accountable both the Federal Government and oil companies to the Ogoni People.

Looking at the Ecuadorian case by focusing on Frente de Defensa de la Amazonía’s website, it is easy to see a very different organization. First of all, the organization is presented as an umbrella for all similar cases of environmental devastation, while calling for the activation of an extended civil society. As expressed in the section Quienes Somos (who we are) of the website, one of the group’s main values is corporate/mass work. The aim is that of working together to be to the community’s benefit\footnote{Frente De Defensa De La Amazonía, Nuestros Valores, 6th February 2012, FDA website, URL : \url{http://www.fda.org.ec/fda/quienes-somos.html}.}. The method of work is that of the organized, well-informed and involved civil society, called to act as a part of the community. The most important and publicized initiative of the group is that of the Escuela popular de lideres y lideresa\footnote{Frente De Defensa De La Amazonía, Deseno curricular para el fortalecimiento de capacidades en organizaciones lideres, lideresas y actores sociales, June 2011, p. 3, on - line version, URL : \url{http://www.fda.org.ec/descargas/Proyecto_convenio_FDA_UTN.pdf}.}, a school formed in 2003 with the aim of training up new political figures coming from civil society. Here, formative plans are carried out in an ethical framework focused on environment, personal and respect of social identity. The school proclaims its methodology as participatory and progressive, and as a plan of alternative educational programme based on a responsible, effective, transparent and joint participation, aimed at strengthening local capacities\footnote{Frente De Defensa De La Amazonía, FDA-Escuela, 12th March 2012, FDA Website, URL : \url{http://www.fda.org.ec/nuestro-trabajo/formacion-de-lideres.html}, (translated by author).}. Following a constructivist model, the school is aimed at causing social actors to actively participate in the community, as well as in its organizational and decision-making process. The programme’s final goal is that of a transformation, by constant dialogue between men and woman in social groups, of the political and social reality in which they live\footnote{Frente De Defensa De La Amazonía, Loc. Cit., June 2011, p. 10, (translated by author).}. The educational system is composed of five main points that are seen as subsequent and propaedeutic:

1. Critical reading of social reality, particularly of injustices created by the social order that the scholar system exacerbates and reproduces.
2. Ethical-political choice to identify with the construction of a society that would overcome its injustices and inequities.
3. Contribution to the constitution of the social sectors as agents of change by the strengthening of their organizations through education.
4. Education as the development of critical consciousness in the social sphere, understood as awareness of the exclusion and unequal social reality, and the need to transform it.

5. Creating work methodologies based on the collective construction of knowledge, dialogue and action\textsuperscript{212}.

By this project, the \textit{Frente de Defensa de la Amazonía} clearly expresses how much it relies on civil society’s critical education in order to permit a more critical civil action. This educational project is clearly oriented against hegemony as described in the pedagogical plan published in the website. Here we can read:

« The evolution of […] Critical Pedagogy and its adaptation to the globalizing contexts and real-time information that characterizes knowledge societies assert their validity considering the aspects that are summarized below: the incorporation and the contributions of concepts such as hegemony, cultural politics, social movements, civil society, etc. and vindication of the school as a place of pedagogical innovation; recognition of power as a relationship present in all social spaces and subsequent acknowledgment of the need to create conditions that guarantee democracy and governance. The above has to do with the claim of ordinary, public, influence on public policy, advocacy and social participation. […] The assessment of the subjectivity of the popular actors and the empowerment of all the dimensions that constitute them as subjects: culture, body, emotions, values, will, critical thinking and creative imagination […] »\textsuperscript{213}.

The two organizations, while both calling for the activation of civil society, do so in different ways: the MOSOP invites Ogoni’s - a determinate, precise and locally identifiable ethnic group - to exercise electoral rights in order to influence the government and ask for accountability of economical and political power. The first presidency of the movement - headed by Ledum Mitee - was particularly oriented towards non-violence, which is an expression of how the group wanted to detach itself from the tendency of environmental militancy that tainted the struggle during the era of the Ogoni 9 and of Ken Saro-Wiwa. On the other side, the FDA has stressed a constructivist attitude, believing in the power of information and education as instruments of change. The attitude of the Ecuadorian movement seems to be more oriented against hegemony, grounded on the ideas of critical thinking, and in the need for a new development paradigm.

\textit{Calling for indigenous rights. How to involve people}

Following the David Morton scheme, the next level of analysis is based around identifying

\textsuperscript{212} \textit{Ibid.}, p. 11, (translated by author).

\textsuperscript{213} \textit{Ibid.}, p. 12, (translated by author).
calls for indigenous rights, seen as an expression of resistance. To understand how and if this strategy is used, one needs to establish if discussions based around indigenous rights and culture are made. These conversations usually stress justice and democracy for minorities, as well as for political participation and cultural autonomy. By using this strategy, subaltern groups expand the reasons for initial contestation and try to involve more people and to widen the counter-hegemonic discourse\textsuperscript{214}.

Accordingly to this definition, the case of MOSOP is quite controversial. While the project of an autonomous Ogoni State is widely portrayed as “the Ogoni dream”\textsuperscript{215}, the concept of indigenous people is only supported when:

« [...] it relates to the abuse of their human rights, including cultural and linguistic preservation, land rights, ownership and exploitation of natural resources, political determination and autonomy, environmental degradation and incursion, poverty and discrimination »\textsuperscript{216}.

At the same time, MOSOP leaders are concerned with the possibility of ethnic confrontations, which characterized the Niger Delta area during the 1990s. The former MOSOP President Ledum Mitee, according to the \textit{Ogoni Star}, had already seriously warned against “ethnic sentiments” that he described as beclouding Nigerian masses’ sense of judgment\textsuperscript{217}. He observed that:

« [...] [it] is not towards one ethnic group or one other, but against the political elite who exploit the people, whether from the South, North, East or West, adding that deep down the anger is primarily about corruption, exploitation and absolute impunity of those in power »\textsuperscript{218}.

The same concern also came from other another activist, linked with the MOSOP in the struggle for the protection of the Niger Delta. For example, in an interview made for the \textit{Ogoni Star} by the Nigerian journalist Charles Okonji to Nnimmo Bassey - Executive Director of Environmental Earth Action (ERA). In discussion with Okonji about the National assembly representation problem, Bassey said:

« Ethnic confrontations [...] were purposely generated to build up the divide and rule atmosphere. There are usual ethnic suspicions but those who want it used the suspicions to

\textsuperscript{216} Ibidem.
\textsuperscript{218} Ibidem.
cause conflicts as much as possible »219.

In the same interview to the *Ogoni Star*, Bassey pointed out how ethnic groups are, in the end, pursuing the same goal. He re-marked that that the presence of several ethnic charters of demand, like the Ogoni and the Oron Bill of Rights as well as the Abraka and the Urhobo’s Declaration « showed that the issues the ethnic personalities are confronted with are similar and so there is no need for them to fight themselves ». We can see from these statements that the ethnic question is seen as dangerous if not handled with the rationality the situation requires. For this reason, the minority and indigenous rights issue is treated at the constitutional level. With regards this feature, MOSOP has accused the Nigerian Federal Constitution of offering preferential treatment to the three majority tribes as well as more protection for their languages220. Even if some problems with ethnic main groups used to be the ground for the 1990s MOSOP struggle, the movement is today stating that a true Federalism is the answer for the Niger Delta. The autonomy the group calls for relies mostly on self-reliance and self-governance of resources rather than on ethnic discourse. One of the reasons for this shift is that violence has been removed as a tool from MOSOP’s agenda, which is now oriented towards rights and guarantees of autonomy within the Nigerian federation221.

In terms of the Ecuadorian narrative, the call for indigenous rights has been regionally - and sometimes internationally - expanded. In an on-line explanation of how the FDA works at a regional level, one can notice that the group is part of the *Alianza Amazonica*, a group of 100 indigenous organizations that are engaged against environmental and cultural degradation of Amazonía. While looking at the cooperative side of the group, we noticed that FDA works with CARE Ecuador in order to develop the capacity building of indigenous populations in the human resources’ management of the Bolivian, Ecuadorian and Peruvian Amazon222. In the 2011 Organizational plan of the FDA, the group is committed to the strengthening of « [...] the indigenous communities by the teaching of handling techniques for exploiting natural resources to live better, to properly manage the forest and deal with issues related to human development, among others with the market, with the state, with the national or

international funding, with the quality of expenditure, with the good life »223.

Looking at the educational plan of the FDA - which is the lynchpin of its strategy - one can notice that the ultimate goal, which prompts it to invest on strengthening the capacities of stakeholders and social actors, is to «eradicate the exclusion and the discrimination of indigenous people»224. The aim of the educational plan seems then to be that of repositioning gender, human rights and environmental groups’ perspectives within the practices and discourses of excluded groups. The final goal is that of an inclusive education, following - as underlined by the FDA - the UNESCO directives of 1994225. According to these, the ability of integration, group participation, leadership and diversity acceptance are the cornerstones of civil actors’ skills development. This theoretical paradigm is that of pluralism, mutual understanding and peace, participation and cooperation. The practical goal is to work with others in activities and projects addressing human conflict226. To do that, the prime concept is that the whole community, linked to ancestral idea of land and territory, should be trained in environmental rights. Evermore, environmental rights are seen as the necessary instruments to give security to individual and collective rights’ requirements227. The project of the FDA is firmly anchored in the idea of Amazonian community as a whole, more rooted in nature and land rather than in ethnic strict categories, maybe seen - in the case of environmental protection - as labels assigned by the political arena and easily exploitable by governmental and economic powers. This tendency confirmed the attitude showed by the FDA regarding the activation of civil society, in which it is willing to create a new alternative and critical social order. On the contrary, in the MOSOP case, the level of analysis is firmly anchored in the political paradigm where electoral power and unity against violence are instruments to dialogue with the existing system.

New social spaces and collective identities

The next step in the neo-Gramscian programme for the analysis of subaltern class agency is that of the appeal to various forms of identity, aimed at creating new social spaces. Those latter are portrayed as places where alternative identities coexist and where collective interest can be
protected. The willingness to create this new identity is an emphasis of the struggle over hegemony.\textsuperscript{228}

Looking both at MOSOP and FDA websites, one can see that the Nigerian movement turned out to be very able in proposing and pushing for a new identity of the Ogoni people as those who have permitted the struggle to spread all around Africa and the world. This is easily understandable by reading the words of the former MOSOP President Ledum Mitee in the occasion of the 14\textsuperscript{th} anniversary of the Remembrance of “The Ogoni Heroes”:

« [...] Our struggle is increasingly being recognized as a symbol, a metaphor and a model for peaceful struggle, for justice in the Niger Delta region and beyond »\textsuperscript{229}.

And again, during the 2010 Ogoni Day:

« We have come to represent the conscience of the nation [...] not only Ogonis, but also compatriots and friends from other lands are proud testament to the fact that ours have become more a metaphor for non violent agitation for justice, equity, democracy and corporate responsibility »\textsuperscript{230}.

He then followed and concluded his comments by underlining the MOSOP non-violent action that led to Shell’s departure from the country: «We have given up a lot not just to stay up but to move up. The spirit of Ogoni that enabled us say a resounding No to Shell with success also say No to all forms of violence»\textsuperscript{231}. In the Ogoni Star, MOSOP called the attention not only of the Ogoni and Niger Delta people, but also that of all “minority groups all around the world”\textsuperscript{232}. The movement is considered the model for other counter-power movements and revolts, such the Arab Spring of 2011. We read:

« The advent of the struggle was not like a guerrilla war, as the Ogonis armed themselves with green leaves, simply put it, a region suppressed by government and its draconian agencies, certainly, the Egyptian and Tunisia demonstration style was borrowed from MOSOP and it pay so much in their Countries. Without any controversy, it was the Ogoni struggle that sprang up other similar agitations »\textsuperscript{233}.

In the same article, the journalist reported the words of the first MOSOP President, Dr. G. B. Ieton that resumed the Ogoni struggle with these words: « The Ogoni case is of genocide being committed in the dying years of the twentieth century by the multinational oil companies under

\begin{thebibliography}{99}
\bibitem{229} Mitee, Ledum, \textit{Loc. Cit.}, 2010, p. 3.
\bibitem{231} \textit{Ibid.}, p. 3.
\bibitem{233} Dukor, Pius, \textit{Loc. Cit.}, p. 8.
\end{thebibliography}
the supervision of the government of the Federal Republic of Nigeria »\textsuperscript{234}.

In this, we can find the essence of the Ogoni feeling and the ground on which MOSOP is building its social space, while also marking the line of separation between tormentors and victims. The movement is calling the attention of all those who desire to be part of the “good” side of the story to struggle against the “villains”. The group also suggests itself as the mouth from which victims can shout, and reacts to oil companies, governments and whatever kind of exploiter they find: « MOSOP for the past two decades now have been the mouth-piece of the once voiceless Ogoni people and the Niger Delta, hence the people believe in its saying as an organization ». Even if MOSOP wants to be seen as different from other actors in the political arena, by portraying itself as a group created for the people, some critics have arisen, and the \textit{Ogoni Star} has given space to them:

« Though MOSOP is not a political organization or party, she has become the bride of politicians of Ogoni extraction and those from outside […] MOSOP and people want to call them to accountability […]. Indeed, MOSOP and Ogonis have remained a bride so disappointed »\textsuperscript{235}.

The general idea of MOSOP is that there is a need to continue the struggle against economical and political power that abuse people’s faith. According to the Ogoni group, this fight must be coordinated in a space - a new social space - led by the movement as it proclaimed itself the only one which « was not based on myth and sensationalism or a mere theoretical ideology; rather it was another momentous time to fight against neo-colonialism »\textsuperscript{236}.

Alternatively, the \textit{Frente de Defensa de la Amazonía}’s strategy totally relies on the creation of a new social space where social actors are called to be the new leaders. However, this approach starts from a collective identity that stems directly from nature. \textit{Pacha Mama}, the name that Amazonians give to nature, is recognized as a right in article 71 of the Ecuadorian Constitution, and is for that seen as the base of their collective identity. Starting from the idea that \textit{Pacha Mama} is the place where « life starts and reproduces herself, every person, community, village or nationality may require the public authority’s compliance with the laws of nature »\textsuperscript{237}. Evermore, as underlined in the 2012 FDA educational project, is the State that should « encourage natural and legal persons and groups, to protect nature and promote respect for all the elements that make

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\textsuperscript{234} \textit{Ibidem}.
\textsuperscript{235} \textit{Kote, Tombari Dumka, Loc. Cit., p. 8.}
\textsuperscript{236} \textit{Dukor, Pius, Loc. Cit., p. 8.}
\textsuperscript{237} \textit{Frente De Defensa De La Amazonía, Loc. Cit., June 2011, p. 6, (translated by author).}
\end{flushleft}
up an ecosystem »

As we can see from this, for the FDA communities, groups and individuals come from nature and for that they are linked together in it through an indissoluble relationship. The consequence of this bond with the land is that the individual, being part of the “Pacha Mama people”, must be active and participate in her protection. From this came the concept of Buen Vivir (Good Living) which is the alternative production model that several Amazonian groups have proposed to collectively build in a post-oil era. According to this concept, the people are called to rebuild the relationship between human beings and nature in order to avoid violent outbreaks. To do so, individuals are asked to acquire a critical awareness of the dominating potential of power. Collective responsibility is seen as a result of the development of horizontal social relations and popular education, which is one of the two cornerstones of the FDA social identity’s plan: education leading to autonomous governance - on one side - and an acknowledgment of rights - on the other. The first is grounded on the idea that an educational and integrative project would give both to the society, to the political and the institutional framework a cultural, economic and social well being, which would permit them to create a new social paradigm. The second is seen as an essential condition to conduct a legal struggle based on class action. The most fitting example is that of the Aguinda vs. Texaco case, were Amazonian people, guided by the FDA, asserted the right to nature in front of an American court.

The organization itself is constructed in a way that clearly shows the importance it stresses on participation. The FDA organizational structure is divided into several platforms, of which the aim is that of a re-evaluation of local knowledge and ability. For example, the organizational consulting office is where FDA advises and monitors the strengthening of communities and organizations, both in terms of legal status, its complaints and their demands. Emphasis here is given to the importance of civil society groups as a whole, not on individual abilities. This counts in the moment they are shared for cooperation within the community, rather than their individual ownership or identity.

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238 Ibidem.
239 Ibid., p. 29.
As seen above, both MOSOP and FDA are trying to build new social spaces where collective identities matter. While MOSOP plays on the historic background of the Niger Delta struggle and sometimes uses a pamphleteer and rhetorical tone, the FDA is oriented towards a pragmatic project of community civil education. This plan is grounded on the call to some ancestral common roots, as seen in the concepts of *Pacha Mama* and *Buen Vivir*.

After this short analysis, we can venture a partial conclusion: stressing civil society’s role and on the backgrounds and their ancient relationships - either with the past or with the land - is a common strategy of both MOSOP and FDA. However it is then put into action in different ways. In order to better understand the practical realization of these attitudes, in the next section we will focus on the forms of governance that emerge from these two models.

*Democratization and new forms of governance*

To achieve a deeper understanding of the aims of these two movements, this section will focus on two pivotal strategies: the campaigns for democratization and the governance forms’ innovation attempts. Starting with the former, the title of a “call for democratization” is vague to the point of confusion. Following Morton’s study of subaltern agencies, campaigns for democratization include whatever calls and attempts to criticize the undemocratic attitude of neo-liberal paradigm. In the counter-hegemonic paradigm, this lack of democracy is seen as endemically part of neo-liberalism’s nature. Critics and their reasoning are then oriented to a big range of political and social plans that the “regime” puts in place and that could, in some way, limit the economic, social, civil and political rights of citizens. To highlight this, democratization campaigns must focus on all discourses, including questions such as work, land, housing, health, education, independence, freedom and justice. According to Morton, subaltern class agencies often emphasized these issues on both the National and International “undemocratic” effects of neo-liberalism\(^{244}\).

In the Niger Delta, the undemocratic side of oil exploitation is often underlined and it is seen as the cause of most of the problems of the Ogoni. They accuse both the oil companies and the Federal State of being responsible for violations of their rights. MOSOP activists reinforce this point of view by raising awareness in the international community of the Niger Delta situation.

For example, in an article published on the *Ogoni Star* in January 2009, in a summary of the Unrepresented Nations and People Organization’s position, one can read: “Through the extensive exploitation of the Niger Delta’s oil resources oil companies and the Nigerian State has deprived the Ogoni of their right to make use of their own resources”\textsuperscript{245}. What MOSOP asks for the Ogoni is autonomy within the Nigerian Federation, in order to ensure their « political participation as a right and a guarantee »\textsuperscript{246}. These are the reasons why the Ogoni Bill of Rights was produced and it is the “Magna Carta” of the Ogoni. In several articles published in the on-line version of the *Ogoni Star*, the Ogoni Bill of Rights is cited as a roadmap for Ogoni - and also the Bori region - rights and autonomy from the state. About this, the former MOSOP President Ledum Mitee said:

« All elected representatives from the areas involved have endorsed the state creation proposal as required in a democratic political dispensation, emphasizing that the environment which the Ogoni leaders fought and died for was not restricted to the physical environment but to ensure that the political environment ensured the peoples participation as of rights and guarantees their autonomy within Nigerian Federation »\textsuperscript{247}.

MOSOP’s position is clear, especially about the administration of natural resources. In the following extract a journalist expands on the MOSOP’s position on a new governmental measure consisting in devolving 10\% of oil profits to the hosting communities:

« The Ogonis drawing the Ogoni Bill of Rights 19 years ago made demands for resource control. Today, the government seemingly appears to be reviewing and looking at those demands [...] The 10\% equity profit [...] is a clear indication of that effect [...] the MOSOP accountability program has been described as good for democracy »\textsuperscript{248}.

And again, on government:

« Our struggle was also for the improvement in our socio-economic environment and I think that the federal government is finally beginning to admit that it cannot continue to exploit oil in communities without granting them a stake »\textsuperscript{249}.

What the movement strongly complained about to the Nigerian government is the decision to

\textsuperscript{249} Ibid., p. 11.
reintroduce an oil company to replace Shell on Niger Delta. For the movement «the present federal government appears not to have considered the idea of negotiating with the Ogoni people before surreptitiously replacing Shell with another company»\textsuperscript{250}. This federal attitude is denounced for its serious lack of democracy and accountability towards the Ogoni.

Concerning oil companies, MOSOP has displayed two main concerns: militarization of the oil bearing communities, and the intertwined relationship between government and TNCs, which it says has led to a general lack of accountability. MOSOP has always wanted Shell to publicly admit to its human rights violations and environmental damages, an action which would make this form of accountability a normal practice. These two issues often come out on the \textit{Ogoni Star}'s pages, as we can see below:

«On their part Shell as a company should tow the part of the societal marketing concept and place its host communities as partners in progress. Shell must avoid its divide and rule tactics and avoid another military Shelling Ogoniland»\textsuperscript{251}.

And again:

«For whatever it is worth, the Shell admittance of human rights abuses in Ogoni is a welcome development. It is a warning signal to the Nigerian state that the last word is yet to be heard about the violence visited on the Ogoni indigenous people peaceful movement for self-determination»\textsuperscript{252}.

Totally different is the position of the FDA, which stresses alternative forms of development as expression on the right to nature. As mentioned above, the Ecuadorian Constitution recognizes in article 71 the “Right to nature” as granted to «every person, community, village or nationality (that) may require the public authority compliance with the laws of nature»\textsuperscript{253}. Starting from this common ground, Amazonian organization’s projects rely on various democratic principles and claims, such as the use of a sustainable human development approach, as well as the fundamental principles of equality and non-discrimination\textsuperscript{254}. Some pivotal principles are often underlined on the general description of FDA activities: respect for the right of freedom, the need for prior and informed consent, the right to reject proposals, the collective process approach and also the recognition of human rights\textsuperscript{255}. As an organization, the FDA presents a list of goals that seek to

\begin{footnotesize}
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  \item \textsuperscript{250} Dukor, Pius, \textit{Loc. Cit.}, p. 8.
  \item \textsuperscript{253} Frente De Defensa De La Amazonía, \textit{Loc. Cit.}, June 2011, p. 6, (translated by author).
  \item \textsuperscript{254} \textit{Ibid.}, p. 8, (translated by author).
  \item \textsuperscript{255} \textit{Ibidem}.
\end{itemize}
\end{footnotesize}
resonate with the local community. Among them, some call for democratization can be found:

« Participating in the discussion and in the development of legislation, policies or programs that seek to protect the environment and promote sustainable development of Amazonia […] Report any action or omission that harms the environment and the rights of the inhabitants of the Amazon region, and to follow up such complaints […]. Ensure that public and private, national and international performing any activity - likely to affect the environment in the Amazon - incorporate into their plans or programs of action the principle of sustainable development and technology […]. Pursue legal action against those who cause environmental and social damages in the Amazon region, in order to obtain the appropriate redress or compensation, or to punish the culprits accordingly »256.

From 2011 the FDA strategic plan has been improved, and is now grounded on three work lines which are training, the exercise of rights and advocacy257. While the first will be discussed in the next section, we now focus on exercise of rights and advocacy as instruments for the concretization of a general call for democracy.

First of all, the FDA proposes itself as the people, communities and organizations’ chaperon during the struggle over the exercise and claim of individual, collective and natural rights. Three main rights are considered as essential: the rights to resistance, to compensation and to economic, social and environmental redress. This is why the FDA particularly emphasises its involvement in the Texaco lawsuit. Concerning advocacy - as to say political influence - the FDA’s main purpose is that of opening channels of discussion to generate consensus proposals. The aim is that of making both public and private institutions accountable to the will of the people. Finally, the organization wants to make institutions accept, and commit to act, in respect of individual, community and nature’s rights258.

In order to understand how the exercise of democracy is deeply rooted in the FDA’s activity, it is sufficient to look at the presentation page of the organization where its mission is described as follows:

« The exercise of our environmental and human rights to address the negative effects of the oil industry through advocacy efforts to carry out actions aimed at the environmental and social restoration »259.

When explaining the environmental damages which have affected the area, as for the case of MOSOP, critics of the central and local government don’t lack:

258 Ibidem.
« The Northern Amazonía […] is one of the areas most affected by oil; only one oil company Texaco, now Chevron, during his 26 years of operation in the area (1964 - 1990) contaminated about 2 million hectares, pouring directly on the ground 379,246,200 barrels of toxic water formation containing some of the most dangerous cancer-causing chemicals known to man, affecting more than thirty thousand people who live near oil wells, causing many diseases and even deaths from cancer. […] This is compounded by the lack of attention by the central and local government and we found this area for decades only as a source of exploitation of natural resources »260.

As we can see above, the FDA’s organizational structure and plans are more focused on self-reliance rather than protesting the lack of democracy. The group’s strategy seems to be that of responding to the lack of a guarantee for environmental rights and protection, by serving as autonomous actors looking for accountability. The Frente presents itself as the instrument of change and it offers several technical services to people wanting to confront and complain against the general lack of both government and oil companies’ environmental accountability.

The final point of subaltern class analysis is that of governance, understood as all attempts to innovate alternative forms of it. We need here to focus on several projects such as the building of local infrastructures, creation of schools, development projects, creation of collective agricultural programs or the starting up of small autonomous enterprises. The aim of these plans, when talking of subaltern class agencies, should be that of developing a pragmatic revolution against the hegemonic economic paradigm.

Except for the Ogoni / Bori autonomous state’s project explained above, the MOSOP’s website and web press does not show any evidence of plans for alternative governance. However, some reasoning can be done on their thought, starting from statements and comments made by journalists and movement’s leaders. While describing the core of the Ogoni Struggle, the Ogoni Star’s journalist Pius Dukor, writes:

« There is an urgent need to get smaller political pressure group to interface both with the State and local government councils to bring the desired goal, one of such can be through the watchful eyes of Ogoni for Good governance […] »261.

In the same article, Dukor places stress on the need for popular consultation of the oil-bearing communities, seen as essential for any further reinstatement of any oil company in the area:

« [...] Urging MOSOP under Ledum Mitee to remain resolute to vigorously demand a round table discussion and negotiation with the federal government as a priority before oil operation in the area, while suggesting a road map [...] »262.

Dukor also resumes some discussion of MOSOP’s governance plans for the Niger Delta area:

« [...] a road map, these include maintaining the current peace in the region, the creation of Bori State, infrastructural development and industrialization, the establishment of Ogoni Educational Trust Fund, remediation and clean up of polluted areas, Community development [...] and political progression with the implementation of the Ogoni Bill of Rights »263.

On the same line, but without giving any particular information about the development of such plans, the former MOSOP President Ledum Mitee in February 2010 affirmed: « Bearing [...] in mind our realization that most gains of our struggle stand diminished in the absence of good governance, we have decided to focus on good governance in the coming year ».264 He then followed by presenting an initiative:

« [...] Extending the current Ogoni Merit Award to some government officials that have shown encouraging sparks in various aspects of governance, underscoring the point that we stand not just condemn but to commend when certain things are done rightly »265.

Mitee also affirmed that MOSOP had embarked on a series of town hall meetings where elected representatives met and exchanged views with the electorate. Furthermore, some years prior to this, he affirmed that the organization had talked about the prospect of becoming an autonomous state within the Nigerian Federation: « it is important not to see the advocacy of the leaders as confrontational, but as a way of bringing to its notice the continuous marginalisation of the area »266.

This is clearly a sign that the MOSOP project, rather than looking for alternative models of governance, is trying to find a solution within the existing framework.

In opposition to this, the FDA governance project could be seen as being more oriented to an “alternative” model of governance. By building a popular school for future leaders, grounded on innovative values such as *Buen Vivir*, sustainable development and popular direct participatory decision-making process, the FDA shows a more organizational plan for a counter-hegemonic

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262 *Ibidem.*
263 *Ibidem.*
265 *Ibidem.*
struggle. As explained in the 2012 strategic guideline, the leaders’ school projects emerged from «The need to create conditions that guarantee democracy and governance. The above has to do with the everyday demands of the public, public policy advocacy and social participation »267.

While describing the vision of the organization that led to the construction of the leaders’ school, the Federation says:

«Leading alternative training processes in non-formal and popular ways at the country level through educational structure that allows working with basic organizations and grassroots communities in the region by […] strengthening local capacities »268.

Not only the school, but also other structures have proved to be oriented to the development of alternative governance strategies. For example, the FDA’s department of legal advice has developed to provide:

«A process of technical, legal and organizational strengthening in the communities, organizations and individuals through workshops, tours, lectures, support in negotiations between communities and organizations with companies (oil, timber, oil palm) to disallow actions jeopardizing the environment and the health of people »269.

Following the same structure and aim, the Community Development Plans (Plano de Desarrollo Communal) (PDC) proposed by the Frente are intended to be “efficient and alternative instruments that the community has to start dialogues and bargaining with oil companies”270. The FDA supports and helps communities in the elaboration of their own development plans. According to their literature, the core idea is that: « […] organizations and communities understand that PDC is a plan to guide the development of their industry and serves not only to companies but to stimulate all public and private institutions’ support »271.

Ending this analysis of subaltern class strategies, we can conclude through distinguishing between the two movements’ strategy, through a theoretical criticism and pragmatic construction of an alternative model. While MOSOP maintains its position through the traditional paradigm of government and political authority, FDA fosters itself through the construction of an alternative paradigm grounded on civil society’s power of organization. MOSOP’s pivotal points are electoral power, its campaigning for stress to be placed on the need for consultations and

267 Frente De Defensa De La Amazonía, Loc. Cit., June 2011, p. 12, (translated by author)
270 Ibidem.
271 Ibidem.
dialogue with the Federal government, whereas the FDA orients its plan toward its new leaders’ educational plan, collective management and community self-sufficiency’s improvement.

The analysis that has just been presented focused on the local and national side of counter-hegemonic movements. In order to better understand the range and type of actions of both the MOSOP and FDA movements, the analysis will now focus on the international prolongation of civil society’s appeal.

**International and transnational mobilization: to make a virtue out of necessity**

*Pressing claim: the international side of the war of position*

To view the international attitude of both MOSOP and FDA, we will now analyze their statements and on-line press through agenda setting theory. According to this, every hostile or controversial situation has a so-called “expansion potential”, that is to say an ability to include groups or sectors of society that differ from those from which the issue emerged. Following this paradigm, an issue can become a social problem, and initiate the process of a solution proposal. This evolution is possible because of the people or groups that engage themselves and advocate for the issue. Such people and groups are then called “political entrepreneurs”. Sometimes - as in the case of our two examples - this process is enacted by organizations or movements that aim to develop a consciousness of the issues within society. In doing so, these movements seek to transform “issues” into “problems”, which allow them to enter into the formal agenda of political institutions. When this happens, the final goal is reached and solutions to the problem can begin to be elaborated. The collective definition of a problem is intended as nothing more than “a social definition process where an uneasy situation or condition is redefined in political terms”. In order to succeed in this issue promotion’s process, political entrepreneurs must go through three steps:

a) gain legitimacy and credibility in the eyes of the public, both as a group and as individual leaders;

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b) build a coalition of the issue’s supporters;

c) build a consensus toward its own definition of the issue\textsuperscript{276}.

When the local and national arena is not responsive or free enough to permit this evolution, social movements expand their activities to the international environment in order to press claim to international and potentially powerful actors. By playing on different worldviews and value systems, as well as the international legal framework, social movements try to gain external support. By making external actors read certain internal social conditions as problematic, the issue's entrepreneurs hope to stimulate international debate and to lay the foundation for an influential alliance\textsuperscript{277}. According to the agenda-building model, there are different ways in which this international appeal can be put in place, depending on the mobilization model chosen as suitable, and on alliances selected. In this section MOSOP’s and the FDA’s attempts to call for international attention will be analyzed by looking at their respective mobilization models, and focusing on which allies they are attracting to their cause.

\textit{Choosing a model to mobilize: the external initiative and the internal mobilization}

To get an issue to enter the international arena, social movements need to mobilize people, actors and institutions. In the case of counter hegemonic movements, which try to circumvent and replace the national institutional environment, two models are possible: the external initiative model and the internal initiative model. The first is realized when individuals or groups that stand outside the national institutional world organize themselves in order to seek consent and participation regarding their concerns. The second is put in place when institutional actors propose a campaign to attain and sustain public attention for a particular issue. In both cases, the final goal is that of reaching a formal agenda, and the acquisition of public support\textsuperscript{278}. For both those two models, what happens outside the institutional framework must be significant, in order to push the issue’s importance and visibility to the highest levels possible. These two models are not mutually exclusive and indeed are often operated together as two sides of the same strategy.

A proneness to rely on the internal mobilization’s model can be found in the MOSOP’s case. Most of the time, appeals are made directly to the Federal Nigerian government, which tends to

\textsuperscript{276} \textit{Ibid.}, p. 91.
\textsuperscript{277} \textit{Ibid.}, p. 100.
\textsuperscript{278} \textit{Ibid.}, p. 89.
be accused of acting without asking for the consent of the people, nor consulting their opinions. However, in order to change this governmental attitude, MOSOP often calls for the attention of international institutions. In August 2009, while discussing the new petroleum law, a journalistic appeal was made to international principles regarding business responsibility for human rights. By relating this case to the UN Special Representative of the Secretary General - John Ruggie - the journalist tried to reinforce its argument on human rights’ protection duty:

« Professor John Ruggie […] has underlined that states have a duty to protect human rights against abuse or harm by companies, and that companies have a responsibility to respect all human rights. Assessment of human rights impact is increasingly seen as vital for business, particularly in sectors that are highly physically invasive, such as extractives industries »²⁷⁹.

The MOSOP movement, while not without critics within the Ogoni community, publicly supported the UNEP programme, which was commissioned to conduct an environmental damage assessment. The final goal of UNEP programme was to quantify environmental damages in order to set the compensation amount that Shell should then give to the Ogoni community: « MOSOP is not opposed to, and indeed supports the United Nations Environmental Programme (UNEP) initiative in Ogoni, originally designed to do a study of the Ogoni environment and decide what remediation measures will be adequate »²⁸⁰.

As we can deduce from above, the MOSOP’s attitude toward the international paradigm is that of asking for technical support, and putting its confidence in the external community’s assessment instruments in order to demand TNCs environmental accountability. One explicative example of this external help attitude is a sentence found in an article which stated the aims of the Ogoni struggle: « The Ogoni feels so suffocated by the existing political economic and social condition in Nigeria that they have no choice but to cry out to International Community for salvation »²⁸¹.

As can be seen, the type of allies that MOSOP looks for in the international arena are of various kinds, but it is possible to attribute to this organization an internal mobilization tendency that, however, surmounts national boundaries. Therefore, for the promotion of the Ogoni struggle


²⁸⁰ Mitee, Ledum, Loc. Cit, 2009, p. 11

against Shell and for the achievement of their autonomy, the initiative does not come from people who stand outside the national environment, but those individuals inside the struggle who look for international support. The goal is to create both local and external opinions around concerns, and make them enter both the national and international formal agenda, thus giving these problems legitimacy and creating consensus. To do this, MOSOP tries to catch international institutional actors’ attention hoping to gain public visibility and sustain institutional interest. It is thus possible to say that MOSOP applies the internal mobilization model - internal in the sense that issue-related institutional actors activate the process - to the international arena\(^\text{282}\).

As concerning the FDA, the issue promotion system it adopts is grounded on the creation of networks, using both external initiatives as well as internal mobilization. Internal actors, in fact, not only try to create neighbourhood alliances through building regional work plans and active groups, but they also permit external actors to become involved in the area. The details of the allies of the FDA will be expanded in the next section, but it is sufficient to say that the FDA encourages people and groups standing outside of institutional frameworks to activate the issue expansion’s process. What those people do is attempt to form consent, and expand participation regarding their main concerns, with the aim of creating opinion movements around them. The particularity of this model is that the allies who are brought into acting are often single issue movements, namely socio-political groups who do not maintain permanent interest, but rather aggregate themselves with respect of specific problems. A clear example of that could be the “APAR” group – *Alianza de los Pueblos Amazonicos en Resistencia* – which is a communities’ union for human rights, environmental and collective rights, which protests against the power of TNCs in the Amazonia\(^\text{283}\). The group - of which FDA is part – is described as:

« […] A regional initiative made by social organizations, indigenous people and nationalities of the Ecuadorian Amazon region, who face constant abuse of human and environmental rights perpetrated by oil companies, mining and logging, and that joined by similar aspirations to protect their collective rights, human and environmental. »\(^\text{284}\)

An element of this structure that is considered essential is communication, and as such it is vital that the FDA informs other actors of issues which it is currently promoting. For this reason, media are seen as being « the only space to convey messages and interact»\(^\text{285}\). Communication is

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\(^{284}\) *Ibidem*, (translated by author).

considered «a cross-cutting element of social organizations and society’s development […] always been immersed in our development processes as corporations, expressed in different forms and media »286.

Both for MOSOP and FDA it is impossible to fix a dividing line between external initiative and internal mobilisation because - as the agenda building theory reminds us - extra-institutional influence’s aspects are of essential importance for consensus achievement. Furthermore, the loss of traditional institutional actors’ grip on society, as well as the birth of social movements and active citizenship, have brought the dynamics of civil action and the typical mechanisms of external initiative to the forefront of political engagement. On the other hand - because of the same cultural and political change - internal mobilization is still in use and is considered essential. This is because public opinion leverage is considered more highly than it previously has been, and it now ranks as a legitimate resource287.

“A good ally is worth his weight in gold”

After having analyzed how movements organize themselves in order to act and react, we will now focus on which kind of alliances they try to build up. As underlined above, to make an issue become a problem, one needs it to enter the public agenda. To do so, local civic organisations are required to broaden their horizons in order to find promoters and interlocutors who will help them in the expansion process of the issue. This is required because, in order to transform a local concern into a recognized problem, social groups require consent. What they need is to catch society’s attention, which will grant legitimacy to the issue. In consequence, the point in question will be socially re-interpreted as an issue of public importance, which is to say, as a problem288.

According to agenda building theory, there are four kinds of desirable allies: the attentive public, attentive groups, public decision makers and the mass audience. Each will now be briefly described and - meanwhile - we will illustrate the favoured types of MOSOP and the FDA. This analysis will help to discover which channel of an issue’s expansion each organisation privileges.

The first type of possible ally is the attentive public, which includes well-informed and politically attentive people. They are conceived as a minority component of influential opinion
leaders, which could be decisive in several social environments. Through analysis of MOSOP’s website, what emerges is a view that the group often directs its speeches to political oriented and pre-informed people. This can be said by looking at some social and economic analyses presented in *Ogoni Star*, for example:

« After the war, the stream of petrodollars became a river thanks to the OPEC oil embargo that quadrupled the price from $3 to $12 and Nigeria’s annual export earning from US $ 1b to US $ 26b with oil making the 95 per cent of the country’s exports. But as boom oil started, poverty levels upped from 35 per cent to 70 per cent […] the insatiable thirst for petrodollars by the local wielders of power, has lead to daunting ripple effects that have negatively affected the lives of natives in many African countries […] Not even the presence of Shell can be path to offering the Ijaw and the Ogoni people jobs »289.

It is easy to understand that such a kind of language and detailed descriptions - used in a large number of articles - is not addressed to a broad public but to a specific, pre-informed one. In order to understand this type of analysis, in fact, people need to arrive prepared in front of the MOSOP newspaper. The case of the FDA is different: by presenting videos and documentaries on its website, the FDA seems to look for attentive groups and the attention of the mass audience. While the first includes people whom - even if they do not normally follow political debates - may be interested in specific questions (as, for this case, environmental devastation and water pollution), the mass audience public needs shocking events to be attracted to issues. This is what agenda building theory refers to as “event needs”, which is to say that the mass public attention is caught by showing that something relevant has happened. In order to regularize communication with both attentive groups and mass audience, the FDA has put in place several strategies in its communication and awareness campaign. Among others, the development and dissemination of information brochures and leaflets on the FDA’s activities, dissemination of a printed newsletter and the production of videos about environmental remediation, campaigns focussed on the rights of minorities and on the evolution of the Chevron / Texaco case290.

Language in videos is usually clear, understandable and speaks directly to the people291. What


291 To get some examples, see the section Galeria on Texaco Toxico website, URL: [http://www.texacotoxico.org/image/tid/1](http://www.texacotoxico.org/image/tid/1). Evermore, most of FDA own or related videos and documentaries are easily available on YouTube channels. See, for example Amazon Crude, URL: [http://www.youtube.com/watch?v=OKOSOFwk4LU&feature=player_embedded](http://www.youtube.com/watch?v=OKOSOFwk4LU&feature=player_embedded), Chevron Texaco on Trial Ecuador, URL: [http://www.youtube.com/watch?v=jmnh0mVd0bY&feature=player_embedded](http://www.youtube.com/watch?v=jmnh0mVd0bY&feature=player_embedded), Chevron Corporate Energy, URL: [http://www.youtube.com/watch?v=rdf9W39HdDU&feature=player_embedded](http://www.youtube.com/watch?v=rdf9W39HdDU&feature=player_embedded).
the FDA often reminds its viewers of is the need to strengthen civil society. It is not without reason that the catch phrase of the FDA is «desde la gente y para la gente »\textsuperscript{292} (from people for people).

Both organizations focus their relationship forming activities and ally acquisition on issue concerned public and decision makers. The first type - as described above - includes people who are favourably disposed towards specific issues, and that deal then with particular topics\textsuperscript{293}. It is possible to include in this category local, national and international non-governmental organizations dealing with environmental protection, minorities’ self-determination, and human rights protection as well as issues which are of concern for entire regions.

MOSOP’s most attentive alliances groups are centred on the “exiled” community, and specific issue’s oriented movement’s subgroups such as the National Union of Ogoni Student - based in United States - the Hope for Niger Delta Campaign (HNDC) - based in Netherlands - and the wider Ogoni diaspora\textsuperscript{294}.

Some international non-governmental and environmental organizations are also involved, such as Friends of the Earth International, MilieuDefensie, Friends of the Earth Netherlands, Amnesty International and Environmental Rights Actions (ERA). The latter in particular is active through its local office, named the Nigeria Chair of Friends of the Earth (FoE)\textsuperscript{295}. According to its Executive Director, « we are all facing the same challenges and should come together in a mass movement to fight for political and environmental, as well as economical and social justice »\textsuperscript{296}.

In the same vein, as emerged from the FDA 2012 action plan, among FDA ally groups one can find several international non-governmental organizations, such as Amazon Watch, CARE Ecuador, CARE Austria and CARE Canada\textsuperscript{297}. At the regional and national level, similar allies can also be found, such as Alianza Amazonica, Alianza de los Pueblos Amazonicos en Resistencia – APAR – and the Public Welfare Foundation and Fundacion Metis. While the first two are included in the regional strategy of movement\textsuperscript{298} the latter two foundations are non-
governmental organizations that helped the creation of the FDA popular leaders’ school\textsuperscript{299}.

The last category of allies, namely that of institutional representatives - decision makers, public administration managers and politicians - refers to people that, for idealism, value sharing or for professional reasons can become actively involved in the work of issue promotion. As these alliances rely on networks of influence, issue promoters have the final goal to find those who have the power to get their issue circulated in public discourses. In the case of MOSOP, this is particularly true. As we can read from a statement of the former President Ledum Mitee, a decision makers’ alliance is seen as essential to MOSOP’s strategy:

« I must here place on record the encouraging support we have so far received from our sons and daughters in government as well as the cooperation of our neighbours which has enabled us cross the initial constitutional huddles […] It is also my fervent hope and belief that with the merging improved relations between MOSOP activists and those in government we can achieve much for our people […] it should not matter by whom but the fact that success are scored for our people »\textsuperscript{300}.

And again, in the same speech:

« […] We have entered into alliances with others for the next critical stages which would begin […] We shall in the days ahead be calling on all our people in government and our friends especially those in the National Assembly to further demonstrate their commitment to the cause by leading and supporting the next stages of this battle. I believe that with our collective efforts we shall overcome »\textsuperscript{301}.

While for MOSOP national decision makers seem to be of vital importance for the promotion of the Niger Delta issue in the formal agenda, the same does not seem to be true for the FDA. Here, national formal institutional representatives are seen as a part of a model that needs to be overcome. It is important here to remember that among FDA’s objectives there are two points that express this feeling of rejection: the first is the organization’s commitment to monitor productive activities that may affect the environment, through direct participation and the second is to ensure that public, private, national and international authorities performing any activity likely to affect the environment in the Amazon, incorporate into their plans or programs of action the principle of sustainable development and technology\textsuperscript{302}. This is the ground from which the FDA popular leaders’ school has been opened. Despite this, both organizations - MOSOP and the FDA - seek to catch the attention of external and international centres of political and legal

\textsuperscript{299} Frente De Defensa De La Amazonía, \textit{Loc. Cit.}, June 2011, p. 4, (translated by author).
\textsuperscript{300} Mitee, Ledum, \textit{Loc. Cit.}, February 2010, p. 2.
\textsuperscript{301} \textit{Ibidem}.
power: with MOSOP focussing on Africa, through calling for politicians’ attention against governmental abuses of power. Here, the strategy is that of sharing a feeling of exploitation that must be stopped.

« Politicians become Draculas, the gods of wrath on a blood (oil) sucking splurge drinking their countries dry […] Uganda needs to avoid any temptations of becoming a rentier state-one that depends on oil […] In Gabon President Omar Bongo spent $800m of the oil money to build 52 posh houses and a fleet of Rolls-Royce […] Most African leaders have clung to power […] claiming to be the only visionary leaders who saved the countries’ economies even without oil, yet it is all about oil »303.

MOSOP has also tried to create stable cooperation alliances with multinational institutions, such as that of the Organisation for Economic Cooperation and Development (OECD). Thanks to the help of Amnesty International, the Ogoni people « could field a complaint before OECD […] against Shell’s claim that oil spills in the Niger Delta were almost entirely due to acts of the local communities »304. Another example - already cited above - is that of the support that MOSOP gave to the United Nations Environmental Programme (UNEP) officials when conducting research in the Niger Delta area305.

FDA’s attitude is quite different from the Nigerian group. Even if the Ecuadorian organization was also seeking international allies, it functionally avoids institutional channels. The only occasion in which FDA moved closer to formal institutions was during the Aguinda vs. Texaco. Over the course of the trial the organization decided to entrust the Inter-American Commission on Human Rights (IACHR), the legal entity of the Organization of American States (OAS). The Commission contacted the Organization of American States and the Government of the Republic of Ecuador requesting an extension and enforcement of precautionary measures taken in favour of lawyers and employees of the FDA in the Texaco case. Texaco was at that time accused of threatening the FDA’s lawyers and employees. This was considered by FDA « an important step forward for human rights of all who are battling the oil and its abuse of power »306.

Once again, MOSOP appears to be a critic of the traditional power structure, but one anchored to the traditional governmental paradigm from which it would like to be protected from TNCs abuses of power. It also demands autonomy in order to better care of the Niger Delta land and its

305 Ibidem.
resources. On the other hand, the FDA has almost never mentioned the Ecuadorian government or politicians, as its energies are channelled to the construction of a new political ruling class grounded on sustainable development and united against dependence on TNCs investments.

3.1. Hypothesis or realities? A small conclusion

In conclusion to this chapter, we propose a scheme capable of resuming MOSOP and FDA’s attitudes according both to subaltern agencies analyses and the agenda building system paradigm. This would help us to enter in the final part of this work, which is to answer at the initial question. This kind of reflection can be proposed in the following - and conclusive - part of this research.

<table>
<thead>
<tr>
<th>MOSOP</th>
<th>FDA</th>
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<tbody>
<tr>
<td><strong>Local, regional and national mobilization</strong></td>
<td></td>
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<tr>
<td><strong>ACTIVATION OF CIVIL SOCIETY</strong></td>
<td>Leverage on electoral power of people</td>
</tr>
<tr>
<td><strong>CALLING FOR INDIGENOUS RIGHTS</strong></td>
<td>- Ethnic distinctions, even if recognized, are seen as dangerous for the maintaining of peace.</td>
</tr>
<tr>
<td></td>
<td>- Autonomy claimed relies on self-reliance rather than on ethnic discourse.</td>
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<tr>
<td><strong>NEW SOCIAL SPACES AND COLLECTIVE IDENTITIES</strong></td>
<td>“The Ogoni” identity is displayed as the one which gives input to most important struggle both in Africa and around the world. Its presentation is grounded on glorious past and for that reasons could sound rhetorical.</td>
</tr>
<tr>
<td><strong>CALL FOR DEMOCRATISATION</strong></td>
<td>- Claims against Nigerian Federal Government for lack</td>
</tr>
</tbody>
</table>


of consultation process and popular accountability are presented to the international community.
- Oil companies’ lack of accountability is indirectly attributed to the bad attitude of the Nigerian Federal Government.

| NEW FORMS OF GOUVERNANCE | - Autonomy of Ogoni (Bori) State but in a traditional institutional paradigm.  
- Improvement of the existent governmental system by autonomy and good governance | - Willing to create a new and alternative form of government through a bottom up process.  
- Education and formation of a new class of popular leaders grounded on the power of being informed, critic and able to manage legal tools to monitor human and environmental rights’ protection |

| International and transnational mobilization |

| MOBILIZATION MODEL | Internal mobilization model but internationally oriented. Issue related actors promote their point claiming for the international community attention. | Both internal and external mobilization model. External actors are invited to take into account the issue promoted both from related or unrelated actors. |

| TYPE OF ALLIANCE | - Attentive public and attentive groups’ attention and participation are pursued.  
- National institutional and political representatives are the privileged interlocutor | - Mass audience and attentive groups are invited to participate to the issue promotion by communication and awareness campaign.  
- Institutional paradigm is avoided except to carry out lawsuits and legal issues. Even in this case, the regional and international environment is preferred to the local and the national |
| CONCLUSIONS | MOSOP cannot be seen as a subaltern agency fighting against neoliberal model. TNCs environmental accountability is required as being part of a broader peace oriented good governance paradigm. The international environment is seen in a traditional manner, as separate from the national ground but as a usable platform where to present claim for lack of democracy and human or environmental rights violations. | FDA is actually trying to build an alternative economic and political model to replace the neoliberal one. By following a bottom up civic approach, FDA could be seen as a subaltern agency. Evermore, there seems to be no demarcation lines between national and international in the traditional sense. Instead, the new paradigm focuses on civil society intended as one and unite beyond boarders. |
CONCLUSION

The problem of transnational corporations’ environmental accountability - as an expression of neo-liberal economy power - is grounded, as in our two case studies, on a specific reasoning: environmental responsibility can act as a core metaphor for the contemporary relationship of power and influence. In an effort to understand the relationship between new transnational powers and social reality, we developed a more specific question: how do civil society movements try to influence transnational corporation’s behaviour in developing countries? This is a question which has emerged from a wider field of inquiry, which is that of globalization, here seen as a process of economic, political and social reorganization. The environmental responsibility of TNCs represents a good example of a contemporary and uneven power relationship between the global North and South, and for that reason it was chosen as a topic for analysis.

By trying to understand the contemporary structural balance of power, it is assumed that transnational corporations (TNCs) and civil society are two poles of action within the modern economic world. Through following a Gramscian approach, the dynamic tension has been exposed between power and civil society. According to this outlook, it is possible to evaluate TNCs as representing the hegemony of transnational capital which coordinate economic activity, while civil society represents the emancipatory potential of human agency. From this premise, the argument moved on to trying to answer the research question by formulating two hypotheses, one focussed on local and national social movements’ actions, and the other looking at their relation with the international environment:

- Firstly, it was assumed that at local/national level, civil society movements act as subaltern agencies against a neo-liberal hegemony.
- Secondly, we posited that civil society needs to act at the international and transnational levels in order to expand in perceived importance the issues for which they are concerned. It was also affirmed that social movements do this through media exposure.

The first hypothesis has been assessed through the application of the subaltern class analysis methodology. This method comes from the neo-Gramascian paradigm, and focuses on origins, the development of consciousness, and strategies of social movements. The aim of this tool is to understand whether the struggle the movements are conducting could be seen as a subaltern and
counter-hegemonic war. The second hypothesis has been tested through the application of the agenda building theory that, focusing on an issue’s media exposure, tries to understand how a concern is promoted in different arenas in order to make it become a problem of social and general relevance. This method focusses on the mobilization model of these movements and on their choice of alliances.

Moreover, to make our hypotheses measurable, it was decided to conduct research through a case studies methodology. To this end, the analysis was designed to circumscribe an analysis of a particular kind of TNCs, which is that of oil companies. They are a perfect example of both the economic and political power of the contemporary era. Through a focus on developing countries, in order to concentrate our attention on the paradigm of uneven development, the two case studies chosen are representative of unequal power relations. Of particular note in this case is the power disparity between oil companies and civil society in the field of environmental responsibility: the case of Dutch Shell in Nigeria and the case of Chevron / Texaco in Ecuador.

Through a narrative of the historical background of the two cases, the relationship between the actors involved has been developed, as has the relation of power developed among them. After discussing the evolution of the case, it was shown that in both the Nigerian and the Ecuadorian example that three main actors were involved: civil society, the State and the transnational corporations (TNC). Two main movements emerged as principal characters of the protests against environmental degradation: the Movement for the Survival of the Ogoni People (MOSOP), in Nigeria, and the Frente de Defensa de la Amazonía (FDA), in Ecuador.

In the core of the analyses, a comparative and parallel manner of assessment was developed. Through an analysis of the website statements and press publications of MOSOP and the FDA, we have tried to understand both their national and international attitude. In terms of the local/national divide, several differences have emerged. MOSOP appeared to conduct a grievance campaign against the Nigerian Federal Government rather than engage in a counter-hegemonic struggle. For this reason, MOSOP presented several claims against the government: that it lacks accountability as well as channels for the participation of civil society. MOSOP also appeals to the Ogoni to create political pressure by exercising electoral power and other traditional tools. Mentions of Dutch Shell’s environmental responsibility are inserted in a more general criticism of a lack of good governance, for which the only one responsible is seen to be the Nigerian Federal Government. MOSOP more often stresses the need for the autonomy of the Ogoni
people, rather than on environmental accountability of oil companies. The case of Dutch Shell was used as an example to point out the importance of natural resources self-administration. Notwithstanding, no radical departure from the current form of governance are proposed. Rather, MOSOP proposes the improvement of the existing model through the practice of good governance. MOSOP does not seem to be acting as a subaltern class agency against the neo-liberal paradigm, which is to say that our hypothesis in this case has been proven incorrect.

However, the FDA’s political engagement is grounded in activity with regards to education of the people of the whole Amazonian region, in order to develop their critical thinking, and to form a new sustainable development-oriented ruling class. All of its projects are bottom-up oriented. No - or few - mentions are made of the national government, which is a proof of how the traditional state - civil society relations are being altered. The construction of a collective identity is oriented towards counter-hegemony in the sense that people are called to be active citizens of Amazonia, as well as to be prepared and able to claim and defend their right to nature. Under concepts such as Pacha Mama and Buen Vivir, the FDA proposes itself as a coordinator of the process of rebuilding of the relationship between individuals and nature. The Chevron / Texaco case is treated as the worst expression of the relationship between man and nature, as well as the worst disaster that has ever happened in the Amazon. The people are therefore called upon to make this impossible in the future, and to insist that those responsible for the environmental damage pay their debt to the Amazonian people. For all these reasons, according to subaltern class analysis, the FDA’s local and national attitudes makes the movement definable as a counter-hegemonic one, which is to say that our hypothesis is, in this case, confirmed.

The analyses of on-line press and statements permitted us to analyze how MOSOP and FDA approach the international environment. As it was assumed that social movements need to claim the attention of the international arena, the aim of this was to discover if, and how, issues were prompted in order to make them become a recognized problems. As mentioned above, this reasoning is based on the agenda building theory methodology. According to this, the type of mobilization chosen by each social movement was first analysed. The primary observation that emerges is the difficulty of establishing a clear boundary between the way of mobilizing internal and external allies. In the Nigerian case, MOSOP showed a preference for an internal mobilization model but also oriented to the international arena: complaints were directed against the government, which were proposed by internal actors to catch the attention of international
actors. With regards to the Ecuadorian case, the FDA’s promotion system is based on the creation of networks by both external initiatives and internal mobilizations. People that stand outside of the institutional issue-related framework are strongly encouraged to take part in the struggle, or in issue promotion. We attributed such a mixed approach to a widespread reconfiguration of social spaces, the traditional model of which has almost been cancelled by globalization. While still looking at the attitudes of social movements towards the international and transnational environment, the groups’ alliances were also analyzed. What emerged from this investigation is that both movements try to build alliances with attentive groups, which are then seen as essential for the promotion of their concerns both at the national and international level. Two main differences have been found: first, while MOSOP is used to turning to an attentive and well-informed public, the FDA has shown a willingness to directly engage with the mass audience in order to inform as many people as possible, and aid them in developing their critical thinking faculties. Second, while MOSOP often addresses its speeches to institutional representatives and national decision makers - sometimes international ones - the FDA almost totally excluded this type of ally from its strategy. The only exceptions have been for carrying on the Aguinda vs. Texaco lawsuit. Here FDA asked for regional and international juridical organization’s support in order to be technically prepared to face the oil company. As a result of these considerations, we can affirm that both movements seek the attention of the international and transnational arena in order to promote their concerns, but MOSOP did in a more concerted fashion. That is to say, that the second hypothesis has been proved correct.

According to the neo-Gramscian paradigm from which this work started, our research can be seen as an evidence of what Gramsci refers to as the emancipatory potential of human agencies. Both of the analyzed movements have been shown to be active, and both serve as critics of their respective weak states. Both are seen as such from a neo-Gramscian perspective, as well as that of critical economy view. Looking at this work, we can re-affirms what Robert Cox has said about civil society: it is a mobilized participant citizenry, juxtaposed to a dominant state of economic power. Even if not all critical movements can be defined as counter-hegemonic struggle, what is important to notice is that, in spite of a cancellation of physical boundaries today, as well as yesterday, the Gramscian logic which seen the national arena as point of departure seems to be still valid. This is to confirm the choice of using a neo-Gramscian paradigm, rather than another, which would be more transnational and internationally oriented. In the case of transnational corporations’ environmental behaviour, in fact, local active civil society
is an essential point of influence. Civil society has become a network of active and involved actors that, starting from a national perspective and moving to an international one, could make significant changes, even if not in totality. Understanding how this influence is exercised was the aim of this work, but further research could be done in order to grasp which reasons guide critical movements.

For lack of material resources and time, this work could not be done on the ground. This resulted in an inability to focus more on the environmental aspects of the issues. However, we firmly believe that by analyzing in detail the environmental damages suffered by the population presented in our case studies, it would be easier to understand claims, strategies of action and organizational plans put in place by the movements that protest them.

Additionally, and finally, we strongly believe in the potential to combine the use of agenda building method with both the critical economy’s paradigm and the analyses of counter hegemonic movements. This belief rests on the general acknowledgment of new media’s potential for issue promotion, as well as a mounting counter-narrative towards neo-liberal ideology, as well as an acknowledgement of civil society’s power. As twin results of the new economic and globalized era, those two aspects could be combined to conduct an exhaustive research on civil society’s role in this era of globalization.
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