IDS Working Paper 227

Corporate accountability to the poor?
Assessing the effectiveness of community-based strategies

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October 2004

Summary

This paper investigates how, when and why community-based strategies are effective in promoting corporate accountability to the poor. It argues that mainstream approaches to corporate social responsibility (CSR) underestimate the importance of power in the relationship between corporations and the communities they invest in, which limit their applicability to many developing country contexts in particular. In helping to address this neglect we draw on literatures on power, accountability and citizen participation in order to analyse 46 cases where communities have attempted to hold corporations to account for their social and environmental responsibilities. The paper argues that more attention should be paid to a number of state-, corporation- and community-related factors, which are found to be key to the effectiveness of strategies aimed at providing corporate accountability to the poor.

Keywords: corporate accountability, community-based strategies.

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Preface

This paper was prepared for the Development Research Centre on Citizenship, Participation and Accountability (Citizenship DRC), an international research partnership dedicated to exploring the new forms of citizenship which are needed to make rights real for poor people. The Citizenship DRC's programme emphasises collaborative work across national, institutional and disciplinary boundaries, adopting an approach that combines research, capacity building, dissemination and policy influence.

The Citizenship DRC brings together over 50 researchers from research institutions and civil society groups based in Bangladesh, Brazil, India, Mexico, Nigeria, South Africa and the UK. It is coordinated in the UK by the Institute of Development Studies (IDS); in Bangladesh by the Bangladesh Institute of Development Studies (BIDS); in Brazil by the Centro Brasileiro de Análise e Planejamento (CEBRAP); in India by the Society for Participatory Research in Asia (PRIA); in Mexico by the Instituto de Investigaciones Sociales of the Universidad Nacional Autónoma de México (IISUNAM); in Nigeria by the Theatre for Development Centre at Ahmadu Bello University (TFDC) and in South Africa by the Centre for Southern African Studies/School of Government of the University of the Western Cape (UWC).

Core funding for the Citizenship DRC is provided by the UK Department for International Development (DFID), with additional funding from the Rockefeller Foundation.

For more information, please see the Citizenship DRC website: www.drc-citizenship.org

Acknowledgements

Abbreviations

BHP	Broken Hill Proprietary Corporation Ltd.
BPD	Business Partners for Development
CA	Corporate accountability
CSER	Corporate social and environmental responsibility
CSR	Corporate social responsibility
DFID	Department for International Development (UK)
DFR	Diamond Field Resources
DTE	Down To Earth
EIA	Environmental impact assessment
EIR	Environmental impact report
EMCA	Environmental Management and Coordination Act (Kenya 1999)
ENGO	Environmental non-governmental organisation
EPZ	Export processing zone
FDI	Foreign direct investment
FTZ	Free trade zone
FTZWU	Free Trade Zone Workers Union (Sri Lanka)
MINCA	*Minera Las Cristinas CA* (Las Cristinas Gold Mining Company) (Venezuela)
PCK	Plantation Corporation of Kerala (India)
PRIA	Society for Participatory Research in Asia (India)
UCC	Union Carbide Corporation
UCIL	Union Carbide India Limited

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1 Introduction

The background to this paper lies in the changing relationships between states, corporations and communities over the last decade. Transnational corporations (TNCs) have increased in size, reach and power largely as a result of the processes of deregulation and privatisation associated with economic globalisation (Scholte 2000). Approximately 60,000 TNCs and 500,000 foreign affiliates invest more than US$600 billion abroad annually, and control two thirds of international trade, making them 'central organisers of the emerging global economy' (Hansen 2002: 159). Foreign direct investment (FDI) has grown at rates above those of GNP and exports, and has been increasingly important relative to official aid flows to developing countries during the 1990s. It is the transnationalisation of resource extraction in particular, however, that brings multinational companies into contact with communities. As Lund-Thomsen notes:

> Encouraged by market and foreign investment-led philosophies, developing countries have liberalised mining and investment laws as well as rewritten their tax codes to facilitate the participation of TNCs in their mineral economies. Combined with technological advances and favourable metal prices, new regions have been opened for mineral exploration by TNCs. This development has inevitably brought TNCs into conflict with local communities (2003: 2).

Parallel to this, there has been a general shift away from the "command and control" regulatory role of the state that characterised approaches to environmental regulation of TNCs throughout the 1970s and 1980s, towards more informal, voluntary and corporate "self-regulation" (Hansen 2002). Increasingly multilateral and bilateral donors, as well as a growing number of business associations and non-governmental organisations (NGOs), have portrayed TNCs as key partners in delivering "sustainable development". For example, the UK Department for International Development (DFID) refers to the "key role" corporations play 'in making globalisation work better for poor people' (DFID 2000: 59). Market-based approaches are regarded as more effective solutions to environmental problems than formal "command and control" mechanisms (World Bank 2000). Corporate voluntarism and strategies of partnership, which are at the heart of mainstream CSR approaches, are regarded as "win-win", whereby the social and environmental performance of the firm is increased and corporations benefit from increased efficiency, productivity and enhanced reputation (Elkington 1998). Following Newell (2002), this will be termed the "liberal" CSR approach as it relies on a *laissez-faire* approach to the question of business regulation.

In contrast, critics have regarded the growing power of TNCs as a threat to democratic governance (Korten 1995) where the rights of capital increasingly trump those of other actors. Gill refers to this as the "new constitutionalism":

> In effect, new constitutionalism confers privileged rights of citizenship and representation on corporate capital, whilst constraining the democratisation process that has involved struggles for representation for

hundreds of years. Central, therefore, to new constitutionalism is the imposition of discipline on public institutions, partly to prevent national interference with the property rights and entry and exit options of holders of mobile capital with regard particular political jurisdictions.

<div align="right">(Gill 1995: 413)</div>

While deregulation and liberalisation have increased the entry and exit rights of TNC investment, critics argue that, in contrast, the social and environmental responsibilities of TNCs are underdeveloped (Newell 2001a). A democratic deficit then emerges where the global mobility and rights that companies have acquired is not matched by systems of regulation to govern their activities. The same pattern of mobility also allows companies in some sectors to relocate more easily, playing governments and workers off against one another in an effort to secure the best terms. This makes it more difficult for poorer communities to demand accountability from such companies.

It is these differences in power, assets and capacities between corporations and communities that form the background to this paper. While corporations secure access to decision-making and privilege through their contributions to state resources through taxes, and to economic development more generally by providing employment, the communities in which many TNCs invest, by contrast are often far removed from the centres of political power as well as economically marginalised. Given the growing emphasis in mainstream donor agendas on the positive role of corporations in delivering development, it is important to understand the contexts in which the poor encounter multinational companies, in situations of sharp political and economic inequality more familiar to the majority of the world's people than scenarios of partnership and engagement emphasised in the "liberal" CSR literature. By focusing on community-based strategies for accountability and the factors that shape them, we are not attempting to romanticise, as some activist accounts tend to, the plight of disenfranchised communities struggling against evil multinational companies. Nor are we suggesting that this form of action is either the most desirable or likely to be the most effective in the short term in enhancing corporate accountability (CA). Rather, our aim is to draw attention to the significance of these self-help strategies for corporate accountability that are often adopted by people without access to political representation and systems of redress in contexts where state-based regulation is weak and unenforced, where international law is rarely respected and where corporate responsibility an alien concept. These encounters between companies and communities constitute an important interface in the global struggle to promote corporate accountability, imbued with history, and representing the terms on which many of the world's poorest people enter this debate.

The central question that this paper seeks to address is: under what conditions are community-based strategies for corporate accountability successful in engendering a greater element of accountability on the part of corporations to the communities in which they invest? In this context, effectiveness will be taken to mean whether the mechanisms of accountability are successful in (i) improving the *responsiveness* of corporations to

community demands, gauged in terms of a change in practice as opposed merely to rhetorical shifts, and (ii) increasing the *representation* of previously marginalised groups through heightening their access to or inclusion in decisions affecting their lives. The paper contributes to debates about the role of the private sector in development and more generally to contemporary concerns with corporate social and environmental responsibility (CSER). We argue, however, that the mainstream discourse of CSER, by overemphasising notions of partnership, best practice and philanthropy, pays insufficient attention to the politics of corporate accountability and the influence of power on how mechanisms of accountability and spaces for citizen participation in CSR initiatives work in practice.

The analysis draws upon literatures on accountability and participation in order to demonstrate the importance of power for understanding the nature of relationships between communities, corporations and states, and to provide a framework for identifying the key factors that influence the effectiveness of community-based strategies for corporate accountability. Our study inevitably focuses on the ways in which people resist corporate misconduct as opposed to the many cases of "best practice" that are well covered in the literature, promoted by bodies such as the World Business Council for Sustainable Development and highlighted in policy initiatives such as Business Partners for Development.

Evidence from 46 case studies of community-company relations is drawn upon, but the broader framework describes trends observed in over 80 cases. For the most part, the case study material is based on a range of secondary academic and activist sources. Given the impossibility of verifying first-hand the accuracy of all claims made in these sources, it should be evident that in citing allegations we are not endorsing claims, but reporting them for the purpose of analysing the claims around which people mobilise and how companies react. Though predominantly from Southern settings, we include examples from poor communities in the North, given that many of the problems communities have in holding corporations to account result from poverty and inequality rather than geographical location. We also include examples that pre-date the contemporary Western-oriented framing of the CSR debate. What may be labelled CSR issues today are often a product of many decades of conflict over resources that constitute ongoing historical struggles for corporate and state accountability and should be understood in this context.

The paper analyses cases in which communities have attempted to hold corporations accountable for the ways in which their actions impinge upon livelihood issues such as land rights, occupational and family health and the environment, across a range of sectors including mining, forestry, oil extraction and waste dumping. It therefore goes beyond the popular but narrower framing of CSR as responsible management of environmental outputs and respect for basic labour standards at the workplace. Combining lessons from the conceptual framework with analysis of the cases, we argue that a number of "state-related", "company-related" and "community-related" factors are key to understanding the effectiveness of community-based strategies for CA.

The next section examines literatures on CSR, power, accountability and participation in order to identify the factors that are likely to influence the effectiveness of community-based strategies for CA under different conditions. Section 3 draws on a number of case studies to analyse the ways in which government-related factors influence the effectiveness of community-based strategies for CA. Section 4 draws on case studies to analyse how company-related factors influence the effectiveness of community-based strategies for CA. Section 5 draws on case studies to analyse how community-related factors influence the effectiveness of such strategies. Section 6 brings together the main findings from the preceding analyses, and offers some conclusions.

2 From responsibility to accountability

Various terms have been used to describe the rights and obligations of corporations. *Corporate governance* refers to policies and practices used to regulate internal relationships and fulfil responsibilities to investors and other stakeholders. *Corporate accountability* (CA) has been used, in a managerial sense, to refer to issues of disclosure, auditing and monitoring of business practices (Zadek *et al.* 1997). *Corporate social responsibility* (CSR) implies a more discretionary act on the part of companies as they consider their role and impact across a wide range of corporate activities; while *corporate citizenship,* positions corporations as "citizens" with claims to the entitlements and responsibilities that flow from citizenship (Newell 2002). Looser definitions focus on the expectations of good citizenship. For Zadek (2001: 151): 'A civil corporation is one that takes full advantage of opportunities for learning and action in building social and environmental objectives into its core business model by effectively developing its internal values and competencies.'

Unlike understandings of corporate accountability as management practice, we are more concerned here with the political content of accountability relationships. This more political interpretation of accountability chimes with traditional preoccupations about 'how to keep power under control . . . how to prevent its abuse, how to subject it to certain procedures and rules of conduct' (Schedler 1999: 13). Central to this definition of accountability are the concepts of "answerability" – an obligation to provide an account of one's actions and inactions, and "enforceability" – mechanisms for realising that obligation and sanctioning its non-fulfilment where necessary (Schedler 1999). Understanding accountability in these terms, it becomes possible to see that while there has been an increase in answerability, as firms increasingly feel obliged to validate their actions to wider circles of stakeholders and those affected by their activities, mechanisms of meaningful enforceability are often weak and underdeveloped (Newell 2003b).

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2.1 Limitations of the "liberal" corporate social responsibility agenda

From an accountability perspective, the "liberal" CSR approach has a number of limitations. Firstly, many of the debates on CSR focus on initiatives such as voluntary codes of conduct and standards, where accountability mechanisms are created in a top-down fashion. Relatively little attention is focused on the strategies that communities themselves undertake to demand CA. This is problematic when civil governance describes a 'process through which rules are built that companies are *willing to be* accountable to' (Zadek 2001: 101; emphasis added). The focus is on voluntarism from above rather than rights from below.

Secondly, while existing literatures help to identify some of the pressures driving companies' answerability to communities, there is insufficient emphasis on how the importance of these factors may vary according to context. Murphy and Bendell (1997: 218) argue that the prerequisites for strong partnerships in a Northern context include (i) media and public concern and company vulnerability to these; (ii) an organised civil society movement with enough finance, commitment and adequate level of competence; and (iii) genuine commitment of all parties to the partnership process. These are demanding prerequisites, which, in some contexts, particularly in the South and poorer communities in the North, may not exist. The vulnerability of different companies to these pressures varies according to which markets companies are producing for and in turn, whether concerned customers in those markets have sufficient purchasing power to bring about a change in company behaviour.

A third problem is that much of the emphasis on partnership and negotiation is apolitical, and lacks a theory of power. For example, the World Bank describes how, 'communities take their place at the negotiating table along with regulators and factory managers' (World Bank 2000: 3), with no discussion of the range of challenges that communities may face in securing their place and then being in a position to realise the advantages it confers. Power dynamics continue to be important even once a supposedly equal place at the table has been negotiated. A focus on negotiation, joint agenda-setting and partnership suggests that all agendas can be accommodated. This assumes a position of leverage on behalf of the community with the capacity and confidence to participate effectively (Cornwall 2000). It also overlooks the strategies that can be employed by the powerful to control the agenda and frame the issues in ways which deny spaces for opposition.

This relates to a more general neglect of questions of power and conflict in contemporary debates on CSR (Newell 2002: 98). Utting notes that government and corporate action on CSR 'is not simply a technical issue of know-how, resource availability, "win-win" situations or even greater environmental awareness on the part of key decision makers', rather it is a political process 'involving power struggles between different actors and stakeholders' (Utting 2002: 277). While often operating at the level of a technical and rational discourse of "win-win" that provides the business case for CSR, such claims have to be viewed as a political practice that reflects the historical moments and social structures in which they emerge. In this regard, current emphasis on the role of business in development promoted by the UN's Global Compact, the World Bank's Business

Partners for Development and repeated claims from donors that firms are central players in efforts to combat poverty can be understood as an attempt to reconcile the unique and heightened power of corporations in the contemporary global political economy with increasing demands for improved standards of social and environmental performance. Invoking the language of sustainable development, ecological modernisation and the "triple bottom line" helps to diffuse threats to the expansion of markets by suggesting that corporate power, concentrated through trade and investment agreements, is not a problem as long as it is exercised "responsibly" in a way which meets the needs of multiple stakeholders including the poor.

Power is also central to debates about participation and citizenship. Traditionally, citizenship assumes channels of participation for representation and rights recognition. While, in theory, the state hosts the infrastructure and mechanisms for claiming rights and mediating conflict between different interests (Kabeer 2002), problematically, for those seeking to extend citizenship to corporations, 'there are few channels for making companies answerable for the decisions they make, despite the impact of their investment choices on peoples lives' (Newell 2002: 94). Engagement with stakeholders is often on a selective basis, and the only constituency that is guaranteed a voice is shareholders. Yet participation is simultaneously both an important prerequisite of citizenship and a mechanism for achieving accountability, in-so-far as increased access to and inclusion within decision-making processes increases the direct representation of citizens in the decisions affecting their lives. Given this, we explore citizen participation in "invited" spaces of participation, as well as in spaces that are "claimed" and "demanded" through a range of protest strategies and instances where people make and shape their own spaces for engagement (Cornwall 2000).

2.2 Factor-based framework

By putting questions of power at the heart of our analysis, we have derived three sets of factors which influence the effectiveness of citizen strategies for corporate accountability that were found to be key in the cases studied. These include:

(i) *government-related factors* (state-company relations, state-community relations, state vulnerability to international pressures, and access to information and legal frameworks)
(ii) *company-related factors* (corporate power, corporate vulnerability and corporate approaches to citizen participation)
(iii) *community-related factors* (community power, community employment, intra-community relations and community-NGO relations).

To be an effective strategy for corporate accountability, there needs to be both change within powerful institutions, such as the state and corporations, to respond to calls for greater accountability and participation and also within affected communities, if they are to take advantage of opportunities for increased representation. The following analysis will therefore consider the extent to which different strategies promote

corporate *responsiveness* "from above", and the extent to which changes "from below" facilitate greater *representation* of previously excluded citizens through increasing access and inclusion in decisions affecting their lives. It is not just change in company behaviour to accommodate citizens' demands that is significant, but changes in structures of representation that may allow for the expression of future accountability demands. We locate our analysis of the relationship between companies and communities within a broader "web" of accountability relationships, which also involve states, NGOs and international institutions, often pulling in competing directions. CA to the poor may therefore be influenced by the degree to which community interests conflate or conflict with the interests of other stakeholders, and the relative abilities of different stakeholders to ensure that their interests are met. The following section analyses community-based strategies for corporate accountability drawn from 46 case studies according to these two criteria of "effectiveness" to demonstrate how government, company, and community-related factors influence the effectiveness of those strategies.

3 State-related factors

A number of state-related factors are key to the effectiveness of community-based strategies for CA. Government policies and legal frameworks protect and promote the relative rights and responsibilities of companies and communities. Government willingness and ability to implement sanctions influences how these play out in practice. Much of the literature concerned with the emergence of CSR suggests that citizen strategies aimed at corporations are often a response to the ineffectiveness of the state at ensuring implementation of business regulation (World Bank 2000; Murphy and Bendell 1997). Our analysis also suggests that the state influences the effectiveness of community-based strategies themselves.

State control of resources means that the state often determines the access of a corporation or community to the resources that accountability struggles are commonly fought over (Mittelman 1998). The states' regulatory role and fiscal and financial policies of states afford them influence over the levels of "downward" accountability required of companies. In a basic sense, therefore, states can give both incentives and disincentives to CSR actions by establishing content and process requirements for companies that operate in their jurisdiction. Company laws can require disclosure of information on social and environmental performance to investors, as well as determine levels of protection for workers, and set acceptable standards of environmental pollution.

Here we argue that five state-related factors are key to understanding the effectiveness of community-based strategies for CA. These are (i) the nature of the state-corporation relationship; (ii) the nature of the state-community relationship; (iii) state vulnerability to pressures from different international groups;

(iv) information availability and transparency; and (v) the legal framework, its enforcement and accessibility. These factors are key to understanding why some strategies may be adopted by communities, or may be successful in some contexts and not in others.

3.1 The state-corporation relationship

States have the formal power to regulate corporate activities and to implement sanctions against non-compliance. Pratt and Fintel (2002) also found that state fiscal and financial policies influenced CSR in practice (in Costa Rica and El Salvador). They argued that in this context, state policies undermined CSR through subsidising and endorsing the unsustainable use of natural resources, just as a lack of human and financial resources may also undermine the capacities of governments to actively promote or enforce CSR (Utting 2002: 268). Conversely, Hanks (2002) found that in the South African context, the threat of punitive state actions, the political independence of relevant state authorities, and the provision of high-quality information flows promoted greater CSR. Governments can therefore increase the accountability of corporations to communities through using formal mechanisms, enforcing the responsibilities of corporations, and protecting the rights of citizens. However, a number of factors may prevent them from doing so.

In order to attract foreign direct investment (FDI), governments may offer a range of benefits to business. These may undermine citizen concerns for "responsible" investment in their area. The economic crisis in Kenya, for example, allied the state with Tiomin Inc., a Canadian mining company which was seeking to acquire surface rights in order to establish strip mining for titanium in Kwale, southern Kenya. In order to attract investment, the Kenyan government offered substantial incentives to business, which limited the potential benefits accruing to the community (Ojiambo 2002: 8). In this way the government helped to generate opposition to the investment, as the campaign against the mine focused, not on opposing the mine *per se*, but seeking to 'ensure responsible investment that does not lead to environmental degradation and that upholds community rights' (Ojiambo 2002: 14) which campaigners felt was undermined by the agreement reached between Tiomin and the government.

In some cases, state support to corporations depends less on this attempt to balance national "development" with local interests, but rather stems from the direct financial benefit accruing to government officials. The huge rents that Nigerian military governments have received over a number of decades from Shell's operations in the Niger Delta, for example, have served to strengthen the government's resolve to silence local activists campaigning against the environmental and social impacts of oil extraction (Okonta and Douglas 2001; Obiora 1999). In Siberut, Indonesia, links between local officials and logging companies allegedly led to the granting of many illegal logging permits for companies to undertake commercial logging in the protected biosphere reserve of Siberut Island, despite the opposition of local Mentawai communities (Down to Earth 2001; 2000).

The relationship between state and company officials may also undermine the enforcement of sanctions against corporations, and may impede citizen attempts to do so. Dependency upon a particular industry may mean the state is unwilling to jeopardise investment from that sector and the wider ramifications this may have in discouraging other investments. The dependence of Ecuador upon oil revenues for approximately 40 to 50 per cent of export income led the government to oppose legal action by communities against the oil company, Texaco. The government presented a diplomatic protest to the US government in an attempt to stop the case against Texaco being held there, for fear of deterring potential investors in Ecuador, even after the company had left (Kimmerling 1996).

Moreover, even where states are willing to enforce sanctions, they may be unable to implement sanctions against more powerful TNCs. In January 1999, the US-based Delta & Pine Land Company allegedly ignored a Paraguayan court order to remove 660 tons of cotton seeds that it had dumped in Riconí, a rural Paraguayan community. The seeds had been treated with toxic compounds, and adequate precautions were apparently not taken by the company in the handling of the materials; in the protection of the subsoil, or in the protection of community inhabitants. Medical testing found a number of cases of acute pesticide poisoning among residents, and in 1998, according to Greenpeace, one man died as a result of poisoning. The state, however, was unable to enforce a legal ruling against the company (Greenpeace 2002: 60).

The close relationship that frequently exists between states and corporations is often a barrier to effective CA. Citizen access to the formal sanctions that states can use may be limited. In addition, poorer states may be unwilling or unable to enforce sanctions. Citizens may therefore employ informal sanctions directly against companies. In the above cases, these included direct action (such as impeding road-building), the sabotage of oil operations in Nigeria, and the burning of the base camp of one of the logging operations on the island of Siberut, Indonesia. Such sanctions have occasionally led to negotiations between companies and communities. For example, in Ecuador negotiations have secured corporate responsiveness in terms of providing community projects or infrastructure. However, these "successes" amount to philanthropy rather than accountability in practice, as citizens generally enter these negotiations without much bargaining leverage and, therefore, have to accept whatever the company is prepared to give, rather than being able to assert their rights (Kimmerling 1996).

3.2 The state-community relationship

The ability of communities to hold corporations to account is also affected by their relationship with the state. Following claims about toxic contamination of the surrounding environment by Rhodia SA (now Aventis Crop Sciences) in Brazil, citizen and worker groups sought to obtain an injunction from the Public Prosecutor to force the company to halt activities at their Cubatão facility. In the same year, the Public Prosecutor, company and workers negotiated a deal guaranteeing workers lifelong healthcare, and treatment of the ground water. In addition, in April 2002 a public hearing was held to discuss the company's liability in the

contamination case. State attention can, therefore, increase the legitimacy and strength of citizen claims towards corporations. However, bad relations between the state and community can impede community-based strategies for CA.

State discrimination against particular sections of society manifests itself in actions such as racialised planning and the location of hazardous production sites in poorer communities. There is a large body of literature which describes this trend as "environmental racism" (Cole and Foster 2002; Pellow and Park 2002). In the Californian towns of Kettleman City and Buttonwillow, decisions have favoured the siting of incinerators and toxic waste facilities in areas with predominantly Latino residents, rather than in other, predominantly white towns in Kings County and Kern County (Cole and Foster 2002). Local communities felt ill-informed about proposed developments, and that they had been deliberately targeted for industrial development that other, wealthier, communities refused to accept. In such instances local authorities decide upon sites where residents are least likely to oppose such developments, which a 1984 report for the California Waste Management Board suggested would be 'rural communities, poor communities, communities whose residents has low educational levels . . . and whose residents were employed in resource-extractive jobs' (Cole and Foster 2002: 3). Thus, where communities are politically marginalised within state decision-making processes, they may be more vulnerable to environmentally damaging or unpopular corporate activities.

A poor relationship between a community and a government may also manifest itself in the state's refusal to recognise a community's rights. In the case of Timika, West Papua, Indonesia, the state privileged the rights of corporations over those of the local Amungme and Kamoro communities. The mining enterprise Freeport McMoran (major holder Rio Tinto) was granted the *de facto* role of government as a result of the contract it signed with the Indonesian government in 1966. The contract gave Freeport broad powers over local communities and resources, including the right to take, on a tax-free basis, land, timber, water, and other natural resources, and to resettle indigenous inhabitants with compensation required only for dwellings and permanent improvements. Compensation was not required for the loss of hunting and fishing grounds, water supplies, or damage to livelihoods (Abrash 2001). Having undermined indigenous rights *vis à vis* Freeport, the state has also undermined community strategies to improve CA, for example by using force to prevent a lawyer meeting with local clients in 1996, preventing an indigenous activist from travelling to London to raise awareness at Rio Tinto's AGM, and in the violent repression of demonstrations (Abrash 2001; Madeley 1999).

These cases demonstrate that poor relations between the state and a community can reduce the responsiveness of corporations by undermining community rights. Community strategies therefore often aim to increase the profile of citizen rights. In the Kettleman City and Buttonwillow cases, legal challenges against the granting of permits to chemical waste companies were based upon the principle of discrimination against Spanish speakers in the decision-making process. Both resident communities protested about the lack of Spanish translation in public consultation meetings and documentation. In Kettleman City, this provided the basis of a successful legal challenge to the proposed development (Cole and Foster 2002). On the other hand,

active repression of community-rights in the Indonesian case has left few channels open to community mobilisation. The Amungme and Kamoro communities successfully attracted international attention through publicising their experiences, which led the US Overseas Private Investment Corporation (a government agency that provides political risk insurance to US businesses overseas) to cancel their US$100 million policy for Freeport in 1996. However, despite this, there has been a lack of state or company responsiveness to community demands (Abrash 2001).

3.3 State vulnerability to international pressure

International legal commitments and obligations to multilateral economic actors can also shape the position a state adopts regarding a conflict between a company and a community. State vulnerability to different types of pressure may arise as a result of a concern for its international reputation, for example over issues such as human rights or the environment (Keck and Sikkink 1998). Equally, dependence upon loans from institutions, such as the World Bank or International Monetary Fund (IMF), whose loan conditionalities may favour particular policies, potentially affects the stance of a government regarding company-community conflicts. While most democratic states may be vulnerable to the first of these, poorer countries are more vulnerable to the types of pressures exerted by the latter.

International pressure upon states can serve to decrease the responsiveness of corporations to local communities. In Colombia, the U'wa campaign against Occidental Petroleum Corporation (Oxy) achieved some progress in getting government recognition of traditional land rights. However, these gains are potentially undermined by IMF pressure on the Colombian government. The IMF stipulates that Colombia should speed up oil production, thereby pulling in the opposite direction to local U'wa concerns, and potentially undermining their ability to maintain their land rights in the face of illegal test drilling by oil companies (Izquierdo 2001). Similarly, in Sri Lanka, IMF loan conditionalities mandating changes in workers rights, including the replacement of tripartite wage boards with productivity councils and introducing a 14-day notice of strike, threaten to further undermine the campaign by free trade zone (FTZ) workers in Sri Lanka to get state and business recognition of their rights to organise and to collective bargaining (Marcus and Dent 2001).

International pressure is most likely to determine "effectiveness" through heightening the responsiveness of governments and corporations to community-based strategies for CA. Strategies that seek to influence the pressures exerted by multilateral agencies such as the IMF, rely upon tapping into international networks and alliances that have more leverage than local communities acting alone. However, the importance of local-level organisation should not be underestimated – the U'wa and Sri Lankan FTZ workers have mobilised themselves to achieve the limited successes that they have enjoyed on the ground. Where there is a lack of international pressure supportive of the plight of local communities, citizens have resorted to direct actions, such as demonstrations, road-blocks and sit-ins to draw attention to their case.

3.4 Information availability and transparency

States have a range of instruments they can use to demand greater transparency and openness from corporations that can increase their answerability, including rules regarding corporate disclosure of information, and citizens' rights to information. However, the level of state commitment to making data available, and the access of poorer and more marginalised groups to such mechanisms may be limited, with implications for the effectiveness of different strategies for holding corporations to account.

Firstly, without mechanisms making the provision of information compulsory and routine, for example regarding industrial chemical use, people may unknowingly "work, live and play" in hazardous conditions, to coin a phrase from the environmental justice movement. Without such information people may not realise that their rights have been violated until harm has already been done. For example, the US government was said to be actively complicit with uranium mining companies in keeping information regarding the significant health-risks posed by uranium mining hidden from workers in uranium mines in Utah and Arizona from the 1940s to the 1960s. The deliberate suppression of this information prevented the workers from seeking environmental justice from the mining companies which were not implementing safe ventilation procedures, which might have prevented the lung cancer many workers subsequently developed. Limited compensation for damages has only been granted in the 1990s following decades of campaigning by Navajo community groups (Brugge *et al.* 2001). Similarly, Cape plc, a UK-owned mining company, was accused of failing to protect asbestos miners in South Africa, despite being aware of the link between asbestos and fatal lung diseases. During the 1960s the company tried to bury reports detailing the link (ACTSA 2001). In this case people had to resort to *ex poste* accountability, because lack of information prevented them from campaigning earlier for safer working conditions, or from choosing to leave the mine.

Secondly, without mechanisms for ensuring demands for information are met, "proof" of misconduct, and therefore enforcing a response from a corporation, is not possible. According to Greenpeace, approximately one thousand workers, and an unknown number of villagers were exposed to mercury as a result of toxic vapour and effluent emissions from the Unilever mercury thermometer production plant in Kodaikanal, Tamil Nadu, India. However, the company is alleged to have refused to give ex-workers their health records and to have opposed any independent health or environmental survey. Without such information, the community has been unable to seek remediation for the health and environmental damage caused by mercury pollution in their area (Greenpeace 2002: 49–50).

Thirdly, a lack of transparency about the decision-making process and who is responsible for what can undermine attempts by communities to influence decisions. In Siberut, Indonesia, the Tiop community was not given answers to its questions regarding which authorities were responsible for monitoring company activities or withdrawing permits, and why logging permits had been issued at all on the UNESCO designated

'Man and Biosphere' reserve. This lack of transparency has facilitated the granting of illegal permits to outside companies posing as local Mentawaian small-scale cooperatives on the Siberut Island (Down to Earth 2000; 2001).

As the US and South African cases above demonstrated, where the state has not made *ex-ante* mechanisms available, litigation can be employed to get *ex-poste* accountability. However, given the severity of human loss alleged in these cases, litigation is clearly a second best option compared to full information disclosure about an industry's operations at the outset. Where citizens suspect misconduct, but the company refuses to disclose information, alternative documentation strategies have been adopted. Citizen epidemiology, NGO-led "diagnostic camps" and citizen pollution sampling have been used by groups in India to defend themselves against company claims that their allegations of air and water pollution are exaggerated (Newell 2003a and b).

3.5 The legal framework, access and enforceability

One of the primary mechanisms of accountability used by the state to govern corporations is the law, which may be understood as a political mechanism for defining rights and allocating responsibilities (Ward 2003). It can create an enabling environment for accountability by governing access to key resources, determining economic entitlements and shaping the rules of participation in public life (Newell and Bellour 2002: 8). However, legal frameworks do not provide a "neutral" space and may favour some to the exclusion of others. In the corporate arena, the legal framework can determine for example, the level of legal requirements regarding corporate disclosure, the level of public consultation required for proposed developments, and the level of recognition accorded to the entitlements of different groups – for example concerning communal land rights. Key factors influencing the effectiveness of strategies for CA therefore include the way the legal framework is enforced, if at all, and how accessible it is for poorer and marginalised groups.

Native American communities in Wisconsin, USA, successfully used legal treaties and their sovereign status to oppose Exxon and Rio Algom's proposed development of a zinc and copper mine near their reserves. They benefited from Federal Government support for the development of a tribal water regulatory authority, giving them the power to regulate proposed developments affecting their environment. The existence of sovereign rights for tribal peoples provided an essential legal framework for ensuring downward CA. However, federal-level commitment to these regulations was essential, as the Wisconsin state-level government, which supported the proposed development, challenged and opposed these laws (Grossman and Gedicks 2001). Such high level support is not always there to ensure the law works as a mechanism of downward accountability.

Where older laws are in place, often written to serve colonial administrations, the state may employ them to override more progressive legislation. For example, in Cameroon the legacy of French colonial rule has facilitated the destruction of traditional property regimes as provisions regarding "state property" could be

invoked to grant the state considerable privilege to expropriate forest land. Present governments have continued this policy of confiscating commons for profit-making purposes, despite the opposition of traditional forest-dwellers such as the Bantu and Baka people of the Djoum and Campo regions of southern Cameroon (Nguiffo 1998: 108). Similarly, the colonial legacy of legal instruments such as the Mining Act in Kenya, facilitated the compulsory appropriation of indigenous lands by the government without adequate protection of customary land ownership. This happened despite the existence of newer, more progressive legislation such as the Environmental Management and Coordination Act 1999 (EMCA), due to a lack of commitment by the government to fully implement the EMCA (Ojiambo 2002: 17). Newell (2003b) also shows how the colonial Land Acquisition Act has been used in India to remove people from lands required for private industrial projects deemed to be in the national interest, resulting in displacement and loss of livelihoods from some of the poorest groups.

Along with non-implementation, states can also actively undermine legal provisions that may help citizens make corporations more accountable. The growth of unregulated economic production sites in the global economy that go by names such as export processing zones (EPZs), new economic zones or free trade zones, have exacerbated this process. Since 1999, workers in Sri Lanka have had the legal right to create a union and bargain collectively. However, FTZ workers have been unable to receive legal recognition for ten out of the eleven branches of the FTZ Workers Union (FTZWU). The Sri Lankan state and businesses operating in the FTZs have joined forces to oppose, repress and disband the FTZWU. The "virtual breakdown" in the judicial system as a result of the prolonged war means that there is no formal enforcement of these rights (Marcus and Dent 2001).

Litigation is often employed with the aim of enforcing legal rights or responsibilities where they exist. In the case of Kettleman City, despite local government support for granting the permit to the company, the fact that procedural legal requirements had not been met allowed citizens to use litigation to prevent the permit being granted. However, the effectiveness of such strategies varies and the enforcement of rights and responsibilities remains one of the biggest challenges for poorer groups. Cost and high legal literacy requirements often exclude poorer citizens from accessing legal redress. In addition, the types of outcome that litigation can generate are in many ways limited. Redress may be limited to a financial payout and not address livelihood alternatives that have been diminished by an industry's activities. This was the case with the Ok Tedi mining project in Papua New Guinea where compensation packages were unable to replace traditional livelihood options such as fishing that, it was claimed, had been irreversibly damaged by the activities of the mining company Broken Hill Proprietary Corporation Ltd (BHP) (Kirsch 1996b). Similarly, Haifa Chemicals Ltd, a US company operating in Israel, was accused of releasing toxic chemicals into the Kishon River since 1966. Lawsuits brought against the company succeeded in achieving limited compensation for boat owners, but, it is claimed have not dealt with other important issues including health effects, loss of income, or the cleanup of the river (Greenpeace 2002: 32). Even where litigation is unsuccessful in achieving legal outcomes,

Table 3.1 Summary of the influence of state-related factors on effectiveness

Factor	Influences: Responsiveness	Representation	Strategies
State weakness relative to TNC	State unable to enforce sanctions State unwilling to enforce sanctions	Undermining of community rights to consultation, and to land, social and environmental rights	Direct action Sabotage Publicity campaigns Legal action
Corrupt links between state officials and TNCs	State officials may benefit from rents from TNCs and therefore protect companies from community demands	A lack of transparency around decision-making excludes citizens from engaging in dialogue with powerholders	
Nature of relationship between state and community	*Protection of community rights* Non-recognition of rights of particular communities (e.g. indigenous land rights)	State decision-making is biased against poorer, more socially excluded communities	Publicity Legal challenges Direct action
International pressure on the state	*Concern with international reputation* *Dependence on donors/ vulnerability to international NGO campaigns* Dependence on donors		Alliances with international NGOs
Lack of state commitment to compulsory provision of information	Non-provision and refusal to release information, and misinformation undermine *ex-ante* and *ex-poste* accountability		*Ex-poste* strategies include litigation against deliberate non-disclosure or misinformation *Ex-ante* campaigns and protests to demand information Citizen epidemiology or pollution sampling
State implementation of legal rights and responsibilities	*Legitimises citizen campaigns (e.g. land rights, self-determination)* Non-implementation of rights of communities	Lack of commitment to implementing rights to participate (e.g. in EIA)	Use of legal forum (e.g. tribal water authority) Campaign to establish legal rights/ recognition Litigation

Note: In columns two and three, normal text refers to decreasing effectiveness; text in italics refers to increasing effectiveness.

it may nevertheless be an important part of a wider strategy through conferring recognition of rights violations that may otherwise not be acknowledged, raising awareness, and attracting wider public support for an accountability struggle (Newell 2001b). In the example cited above, while the EMCA in Kenya was not implemented, its existence was nevertheless valuable, as it gave focus and legitimacy to the campaign to ensure that Tiomin undertook a "responsible" investment.

3.6 Conclusion

State-related factors undermining the responsiveness of companies to community demands include the protection of corporations from sanctions by undermining community rights, protecting corporations from disclosing details of their operations and discretionary choices not to create or not to implement progressive legal frameworks. Strategies adopted by communities to counter this privileging of corporate entitlements over community rights have ranged from engaging in formal legal processes, such as litigation, to international alliance-building, negotiations with corporations and direct actions. These factors and strategies are summarised Table 3.1.

The effectiveness of these strategies has depended upon the extent to which (i) the state has backed the corporation or the community; (ii) international pressures have benefited corporations or communities; (iii) communities have access to information; and (iv) the state has been willing to implement progressive or oppressive elements within existing legal frameworks. These factors clearly work in conjunction with each other and in different combinations as the cases cited in this section illustrate.

4 Company-related factors

There are a number of company-related factors that influence the effectiveness of community-based strategies for CA. Many of these relate to the degree of latitude a company has to respond to demands made of it at a particular point in time. Zadek (2001: 129) suggests that this freedom is defined by general factors such as technological opportunities, competitor strategies and public pressure as well as company-specific factors such as availability of finance, quality of leadership and overall corporate competencies. At issue also are the perceived boundaries of a company's responsibility to involve communities in its decision-making. With regard to corporate-community relations, some of the traditional mechanisms of accountability and participation associated with the state are not applicable – as corporations clearly do not have the same "democratic duty", or means of dealing with conflicting rights-based claims (Newell 2002). Their traditional purpose has been the generation of profit, and this overriding objective remains despite rhetoric about meeting the "triple-bottom line" (Elkington 1998).

Corporate power, including capital mobility, control of resources and the ability to co-opt state support, influences how companies respond to community-based strategies (Newell 2002). Often communities'

dependence on a company for employment, particularly in areas of high unemployment and where the company is able to move its operations elsewhere, serves to silence criticism or the articulation of accountability demands. This dynamic is described in the community power debates in the USA in the 1960s (Crenson 1971). The relative power of corporations compared to the communities and countries in which they invest means that community-based strategies can often be 'accommodated and deflated through partial responses, co-option or so-called "institutional capture", which enables business interests to exert considerable influence over the decision-making processes of standard-setting and regulatory institutions' (Utting 2002: 288). The power of companies in many such settings is also reinforced by the pressure of international institutions such as the World Bank and IMF to open their markets to foreign investors. The value of their presence is lent further weight by discourses that deliberately collapse differences that may exist between what is in the national interest and the interest of a firm through reference to a firm's contribution to development and economic growth.

We argue here that three company-related factors are important in determining the effectiveness of citizen strategies for CA: (i) the levels at which corporate power operates; (ii) the vulnerability of different types of corporation to particular strategies; and (iii) a corporation's approach to citizen participation.

4.1 Corporate power

Financial: Corporate financial power can limit a company's responsiveness through countering a number of sanctions communities may take against them. Companies can hire security protection to secure investment sites from protest activities as in the cases of Shell in Nigeria, Freeport in Indonesia, and Oxy in Colombia. They can invest large sums of money in public relations campaigns to defend themselves against negative publicity, fund scientific studies countering claims made against them, and ensure that the company has "the best" legal advice when faced with litigation. They can engage in long-term legal battles, where communities may run out of funds. In addition, legal cases can be initiated against communities to deter their campaigns. In Buttonwillow, Kern County, USA, the company Laidlaw and county-level authorities sued the Buttonwillow residents for legal expenses, after the community had already lost a legal challenge against the expansion of the Laidlaw toxic waste dump situated near their town (Cole and Foster 2002). In a similar "strategic sanction against public participation", Cambior, the major shareholder in Omai Gold Mine Ltd., Guyana, brought a case against a campaigner for shareholder activism. In many cases, the sanctions that citizens are able to mobilise against corporations can be outdone due to the resources corporations can draw upon. In so far as activists anticipate such countervailing action by the company, there may be a deterrence effect for those considering future campaigns.

Employment, dependency and politics of silence: The power conferred by being a major employer can also make employees within a local community self-censor demands for accountability from a corporation. In Oak

Ridge, Tennessee, USA, government and industrial contractors involved in nuclear bomb manufacturing allegedly used threats of dismissal to prevent their own, highly qualified workers from investigating the extent of mercury contamination caused by the company in the local creek. Through restricting information, the company prevented local residents from demanding accountability (Merrifield 1993). The power conferred by generating employment is also used as a bargaining resource by companies who pit the need of communities for employment against their demands for improved levels of social and environmental protection. In Kenya, when campaigners sought to engage Tiomin in a dialogue on issues, including adequate compensation for people with customary land titles, and environmental protection measures, Tiomin allegedly responded with threats to pull out of the area altogether (Ojiambo 2002: 33).

Mobility: Capital mobility and the possibility of relocation provide many companies with significant leverage over less-mobile labour. This structural power can also contribute to the silencing and self-censorship of accountability demands. Threats to relocate in the face of community mobilisation are lent credibility by the actions of companies that have used community activism as an excuse to relocate their operations. For example, Mitsubishi was able to evade international demands for more "responsible" behaviour in its Malaysian plant by shutting this plant down and reopening in China (Karliner 1997). The US-based Allied Signal Seat Belt Company used mobility to its advantage as it transferred its operations between communities in the American South and Mexico. According to Gaventa, the company used the threat and reality of plant closings and layoffs 'as a tool for "economic blackmail" and bargaining for labour concessions' (Gaventa 1990).

Transnational patterns of production, increases in outsourcing and resulting complexity in global supply chains allow corporations to evade their responsibilities by claiming that their subsidiaries are separate legal entities. This formed the basis of corporate defence in a number of negligence cases, including those involving Union Carbide (UCC), Thor Chemicals and Cape plc. Companies are protected by the corporate "veil" which makes it difficult to establish the exact nature of the relationship between subsidiaries and large TNCs, particularly as the onus is often on the injured party to provide evidence of a clear chain-of-command between the home and host country (Newell 2001b).

Knowledge and discourse: The use of expert knowledge to deny accountability claims is another tool which companies use to resist communities' demands. Resort to official science and technocratic knowledge forms often disempowers poorer groups with lower levels of education, access to information and reduced ability to engage with the terms of the debate. Cast in such narrow terms where high and costly standards of verification are required, it becomes difficult for under-resourced communities to bear the burden of proof required to make a "scientific" case against a corporation on grounds of negligence. Even within spaces that are claimed to be more participatory, it remains difficult for people to bring their knowledge into deliberations that are framed in highly technical terms where experience-based knowledge is undervalued. Mulligan shows

how despite claiming to pioneer a participatory approach to dealing with questions of social responsibility in the development of a titanium mine in Madagascar, Rio Tinto continually referred to experts and "expert" knowledge in order to claim an intellectual monopoly over debates concerning the project, effectively excluding groups unable to participate in the debate on these terms (Mulligan 1999: 55).

Companies may also take advantage of the uncertainty inherent in environmental or epidemiological studies, which make it difficult for communities to "prove" their claims against corporations. Rhodia SA (now Aventis) in Paulinha, Brazil, contested a number of studies that had found that the company's use of inadequate technology for disposal of chemical wastes had caused pollution of the local environment and contaminated food-sources. Testimonies by workers regarding impacts to their health, and research by local scientists and an international environmental NGO (ENGO) were dismissed by Rhodia, who maintained that the levels of pollutants did not pose a risk (Greenpeace 2002: 38). There is a tension between determining socially-acceptable levels of risk, that should be a public-political exercise, and allowing a narrow range of experts, often either drawn directly from the commercial world or whose research work is funded by corporations to determine what is safe, what is acceptable, and for whom.

Another important aspect of the politics of knowledge concerns the strategic employment by corporations of discourses about economic growth and development, and their assumed role in those processes which, through repetition and strong backing, acquire the status of common sense assumptions, rendering attempts to question them deviant and radical. As *de facto* custodians of the societal interest, it becomes easier for corporations to caricature opposition to new industrial projects as parochial and anti-patriotic. This strategy is often reinforced by broader framings of indigenous communities and the livelihoods which sustain them, as "backward", "undeveloped", and "unproductive". The incentives given to large livestock-raising and timber companies in the Brazilian Amazon for instance, reflected the view that latex extraction and nut harvesting by traditional populations were "backward" economic activities, and failed to utilise the area sufficiently (Diegus 1998: 58). As harbingers of "modernisation" and "development", corporations are regarded as benefiting local communities, the economy and society as a whole, and the negative aspects of such developments are seen as unfortunate but necessary trade-offs. Such attitudes are expressed, for example, in the refusal of Golden Star Resources, the holder of 30 per cent of the Omai Gold Mine, Guyana, to compensate local residents for the effects of a major cyanide spill on drinking water, livestock and wildlife. The company claimed that such accidents 'are one of the many risks of doing business' (Greenpeace 2002: 92).

The various dimensions and levels of corporate power therefore influence the effectiveness of community-based strategies in a multitude of ways. On the whole they serve to protect the corporation from the need to respond to community demands, and to reduce the effectiveness of community representation. Some of the most effective community-based strategies, however, draw upon international networks and

alliances to exert leverage over corporations, ensuring that they do not escape their responsibilities merely by relocating or threatening to relocate overseas. Following the announcement by the clothes manufacturer Gap of the closure of one of its factories in El Salvador as a response to campaigns against working conditions, campaigning by an international network of unions and religious groups influenced the company to stay in El Salvador, pressure its contractors to respect basic workers rights and allow independent monitoring of a Gap Code of Conduct (Cavanagh and Broad 1996: 22). NGOs and community groups, through information exchange and coalition-building, have also been able to demonstrate the links between subsidiaries and TNC headquarters where companies claim they are separate entities in order to evade responsibility. In the case against the UK-based Cape plc the parent company was found to be liable for knowingly subjecting workers in its asbestos mine in South Africa to hazardous working conditions (ACTSA 2002). At the local level, citizens mobilise constituencies for change, counter dominant knowledges and discourses through awareness-raising, campaigning, systemising local knowledge, and through direct actions. Much of the effectiveness of these strategies depends upon the vulnerability of particular sectors and companies to different strategies.

4.2 Vulnerability to citizen sanctions

The following cases support the finding that TNCs, as a result of their vulnerability to international scrutiny, may be more likely to respond to community-based strategies than national corporations. National companies in developing countries may be protected to some degree from sanctions if they have close ties to the national government. In the Czech Republic, Spolana's monopoly of PVC production and personal links to the government undermined the responsiveness to community demands for compensation following the alleged damage to workers' health arising from the production of Agent Orange in the 1960s (Greenpeace 2002: 44). In India, government ownership of the Plantation Corporation of Kerala (PCK) has impeded citizen attempts to hold the company accountable for causing pollution related illness among the local population over a 20-year period. (Joshi 2001). Similarly, the Government of India's commitment to the flagship company NTPC (National Thermal Power Corporation) helps to explain its lack of intervention in conflicts with local communities over claims of livelihood destruction and environmental contamination in Andhra Pradesh (Newell 2003b).

While TNCs are often more powerful in global terms than national corporations, this status can also increase their vulnerability to the types of pressures and strategies that citizens can tap into. Pratt and Fintel (2002) found that leading firms in Costa Rica, producing for the export market were more likely to have improved some aspect of their environmental policy than those producing for the domestic market. Similarly, they noted a "parent company effect", whereby firms owned largely by international capital, had more environmental policies, plans and procedures than domestic firms. This effect is related to pressures on firms lower down commodity chains to adopt higher standards in order to export to international markets. This is consistent with Vogel's argument about "trading up"; that the desire of exporters to access key markets in

Europe and North America, for example, serves to drive standards up as these regions require higher levels of social and environmental performance (Vogel 1997). Location within the supply chain also influences the vulnerability of corporations to international public opinion, where consumer opinion in Northern markets in particular has been found to be an important factor in shaping responsiveness of companies to community-based campaigns (Bendell 2000; Murphy and Bendell 2002; Newell 2002, 2000).

Where their shareholder base is more diversified and their operations are based in countries with strong NGOs working on development issues, companies are more likely to find their global operations subject to scrutiny. The extent to which firms are based in countries with strong traditions of corporate governance can also be important. Zadek notes (2001: 30), the 'emerging, dominant forms of global corporate citizenship are . . . deeply influenced by Anglo-American (US or UK) practice.' Greenpeace claims that Shell Brazil SA responded to demands for it to buy ranches from local people, whose land had allegedly been contaminated by the company, not as a result of pressure from the local authorities and community, but due to its vulnerability to negative international publicity, including the possibility of a critical report about Shell Brazil to the "FTSE4good" ethical investment index (Greenpeace 2002: 41). Having operations in different parts of the world makes TNCs vulnerable to exposure to claims of double standards. Following the discovery of large concentrations of highly toxic mercury in a river near Durban, an alliance of trade unions, peasant groups and green groups from a number of different countries mounted demonstrations against the company Thor Chemicals whom they accused of practising double standards. Mittelman concludes (1998: 865) 'this joint action within civil society put pressure on the Department of Water Affairs, which ordered Thor chemicals to suspend its operations.'

However, many TNCs are not vulnerable to these forms of international and consumer pressure. While Tiomin Resources Inc. was considered a "giant" in Kenya, with potential to bring in much needed FDI, the Canadian government's Mines and Geology Department told campaigners against the mine that 'Tiomin and titanium does not exist on our radar' (Ojiambo 2002: 26). This example is interesting in that mining companies have been at the forefront of initiatives to improve their image given the controversy that their operations have generated in the past (Evans *et al.* 2002). It suggests that while there is some evidence of a link between the scale of a company's social and environmental impact and its likelihood of engaging in CSR initiatives, (a) this is not always the case as service sectors that have been less prominent in these debates also generate a considerable social and environmental impact (Pellow and Park 2002); and (b) national cultural factors and social expectations bear heavily on a company's responsiveness, often more so than international calls for improved practice.

Improving responsiveness nevertheless means exploiting areas of a company's vulnerability. Campaigns often target shareholders and financial backers who may exert greater leverage over corporations than communities themselves. Campaigners can, for example, buy shares and attend AGMs, or lobby shareholders in AGMs (Marinetto 1998). However, this proactivity on the part of activists is tempered by the willingness of

shareholders to back their demands and use their influence to advance them. Ultimately, in appealing to shareholders, activist's claims must compete with their concerns for profit maximisation. Shareholder activism is thus one of the more obvious areas in which "webs" of accountability may pull in competing directions. Campaigns likely to be most successful are those targeted against areas of negligible value to the overall operations of the company, playing on the "hassle factor" so that the potential for reduced profits and damaged reputation in other, more important, markets makes the targeted operation a liability (Rodman 1998).

4.3 Corporate approaches to citizen participation

The literature on participation and accountability highlights the importance of a range of factors to the effectiveness of institutional accountability to citizens. Particular groups may be excluded from partnership or consultative initiatives either through non-recognition of key issues such as land rights, for example, or by the self-exclusion of more vulnerable groups. The framing of spaces for citizen participation determines the issues or problems which will be considered. The danger, where spaces are tightly controlled or the agenda framed narrowly, is that people can legitimise a participatory process without influencing it. Whose knowledge takes precedence, and the power this implies, also affects how citizens can engage in participatory spaces. The attitude of corporations regarding the importance of community relations to the long-term viability of a project, and their reasons for creating spaces for participation emerge as important factors determining the effectiveness of demanded and invited participation. The stance of corporations on these issues ranges from a position of non-engagement, to reactive responses to demanded spaces, through to more explicit commitments to formal "invited" spaces for community participation in policy.

In many of the case studies, companies showed little or no willingness to negotiate with the communities affected by their investments. PT Inco in Indonesia for example has shown an indifferent attitude to citizen participation. In 1994 when Inco announced the construction of two new hydro plants at Soroako, there was no public review process, no published environmental or social impact assessment, and no consultation between the company and local people. PT Inco also demonstrated that community relations were not a priority when it cancelled a meeting with residents of Soroako campaigning for the company to honour agreements that it had made regarding compensation for lands taken in 1973 (Moody 1999).

In other cases, companies have taken a more proactive approach and engaged in community negotiations from the outset of their investment. This is often a response by a corporation to previous negative publicity regarding its activities. In the development of a proposed mine in Evatra, Madagascar, the UK-based mining company Rio Tinto engaged in a multi-pronged approach to improve its damaged reputation as a responsible investor, conducting a thorough environmental impact assessment (EIA) and social report (involving a public consultation), setting up a biodiversity research station, and making much of the research material available in the public domain (Mulligan 1999: 53). While explicit engagement in such activities is a step forward in

acknowledging accountability to local people, there were a number of drawbacks in the company's approach to participation. One major issue was the non-recognition of communal or traditional land rights, thus excluding from negotiations a large proportion of the people who would be affected by the mine. Secondly, the company maintained tight control over the process, preventing the discussion of broader issues including whether or not there should be a mine (Mulligan 1999: 54–5).

In 1999, Placer Dome, owning 90 per cent share in the Las Cristinas Gold Mining Company (MINCA), suspended its plans to develop a mine in Las Cristinas, Venezuela. The company took measures to prevent the situation becoming "socially unstable", among those who had been evicted from the site, and were left unemployed by the actions of the company (Business Partners for Development 2001). These included the initiation of a "tri-sector partnership" facilitated by Business Partners for Development (BPD). However, the type of partnership that they embarked on, while using the language of partnership and ownership, was regarded as instrumental because the partnership was restricted to the development of a health centre instead of engaging local people in addressing the issues raised by the suspension of mine development. As BDP describes it:

> what the tri-sector partnering provides is a systematic *management tool* for companies to translate social policies *developed at the corporate level* into action at the operational project level [emphasis added].
>
> (Warner 2002: 49)

This type of partnership fits more with "projects with people" (Cornwall 2000), than with an approach that seeks to engage people in decision-making that affects them. Our analysis of BPD (2001a) suggests that much of the impetus for engaging partners in the "social policy" was for the cost sharing element, with communities supplying voluntary labour and overseeing the continued running of the facility once the company had withdrawn. The company, by comparison, made no long-term commitment to the project (Business Partners for Development 2001). It is perhaps telling that while BDP outlines the risks to various partners, including the risk of business credibility should the project fail and of the political risk to governments, there is no mention of the risks communities face in legitimising such partnerships, such as contributing their labour without having had a real voice in their design.

An obvious and key factor determining the effectiveness of community participation in demanded and "invited" spaces has therefore been the extent to which and ways in which the corporation chooses to engage with citizens. Demanded spaces often mean that corporations engage in a reactive manner, and seem more concerned with "damage limitation", rather than acknowledging the right of citizens to participate in decisions affecting their lives. However, the relative level of citizen organisation and nature of the strategies adopted are also important to how corporations view demanded spaces. For instance, the Innu and Innuit opponents of proposed mining at Voisey's Bay, Canada were well organised, had previous experience of campaigning against low-level flying, and were also in negotiations with the state regarding the legalisation of indigenous

land rights. Strategies included successfully negotiating with the company who discovered the mineral resources, Diamond Field Resources (DFR) (Innes 2001). DFR responded by sending the company president to meet Innu representatives. Further, Innu leaders have employed powerful narratives of cultural survival and environmental justice within the negotiations to express their rights. These strategies appear to have been effective in achieving Innu and Innuit representation, even after the sale of the rights to Inco. Achievements in this regard included a single panel review committee judging the permitting process, and a public hearing on all aspects of the project. In addition, Inco announced intentions to incorporate "traditional ecological knowledge" in the project (Moody 1999). The response of Inco to community organisation in Voisey's Bay compares starkly to its alleged lack of commitment to community relations in Soroako, Indonesia (Moody 1999), although state-related factors are also significant in this instance.

4.4 Conclusion

Company-related factors influencing responsiveness include the many different levels at which corporate power operates which enable corporations to outmanoeuvre citizen strategies, and that privilege company perspectives over the alternative perspectives of affected communities; the level of vulnerability of companies to internationalised or local citizen strategies; and corporate approaches to citizen participation. The latter also has particular relevance for the level of representation of communities through the ways that it influences the inclusion and exclusion of particular groups, the control and framing of invited spaces, and the types of knowledge that are considered legitimate within such spaces. Strategies by communities to achieve CA have included the formation of international networks, shareholder activism, local-level mobilisation, capacity-building, and direct action. These factors and strategies are summarised in Table 4.1.

The effectiveness of these strategies has depended upon the extent to which: (i) the leverage community and NGO strategies exert coincides with corporate vulnerabilities to particular types of strategies, and the ability of groups to take advantage of "openings" that are created, and (ii) the relative level of civil society organisation and capacity to demand and take advantage of both demanded and invited spaces of participation. While the latter potentially increases the representation of communities in decision-making, successful "engagement" in the process does not necessarily translate into changes in practice. This depends upon the sanctions that communities and their allies can employ to enforce action. In addition to the role of state-related factors in these processes, we have also noted a number of community-related factors that fundamentally influence effectiveness.

Table 4.1 Summary of the influence of company-related factors on effectiveness

Factor	Influences:		Strategies
	Corporate responsiveness	**Community representation**	
Corporate power operating at different levels	Financial power of protects company from strategies	Monopoly of knowledge	International networks and alliances
			Global coalitions
	Financial power enables companies to act positively		Awareness-raising
	Employer status discourages community opposition boosts companies negotiating power	Legitimising discourses	Information exchange
			Promotion of local knowledge
			Direct action
Corporate vulnerability to citizen strategies	Protection of national firm		Shareholder/financier activism
	Transnationality		International publicity
	Unwillingness to negotiate with community	Unwillingness to negotiate with community	Direct action
Corporate approach to citizen participation	Tight control and limited framing of spaces	Exclusive stance to participation	Negotiating with companies
	Reactive stance to demanded spaces		Strategic use of discourses
	Instrumentalist approach to participation		Local citizen mobilisation and organisation

Note: In columns two and three, normal text refers to decreasing effectiveness; text in *italics* refers to increased effectiveness.

5 Community-related factors

The literature on power, accountability and participation makes clear that enforcing sanctions for downward accountability, and engaging effectively in spaces of participation, is affected not only by changes from "above" but also from "below". While a lack of financial resources, political marginalisation from decision-making processes, and dependence upon industries clearly inhibit communities' ability to hold corporations to account, communities may be able to exercise other forms of power. Beyond micro-strategies of resistance, or "weapons of the weak" (Scott 1985), other work draws attention to the importance of a vocal and well-organised civil society to creating broader strategies of corporate accountability (Rodríguez and Camacho

2002; Mittelman 1998). Citizens may also exert pressure for answerability and enforceability through informal or "soft" sanctions against corporations, though the range of sanctions that can be employed by poor and marginalised groups and their effectiveness in practice may be limited. Drawing on factors that have emerged from analysis of the case studies, we argue that (i) community "powerlessness" on a number of levels; (ii) the range of community employment opportunities or livelihood options; (iii) the heterogeneity of the "community"; and (iv) the nature of the relationship between communities and NGOs, unions and others who claim to represent them, affect both the responsiveness of companies to community strategies, and the representation of communities in spaces for citizen participation as well as in campaigns themselves.

5.1 Community power

A lack of financial resources limits the types of mechanisms communities can use to hold corporations to account. Where communities are socially and politically marginalised they are likely to lack the support of their government or elite groups pandering to more powerful coalitions and constituencies. In addition, the repeated experience of being left out of decision-making, a lack of skills, confidence, and resources with which to negotiate effectively, and the "law of anticipated reactions", often prevent poorer communities from being able to effectively take advantage of those spaces for negotiation that do exist. Where corporations have created spaces for participation, weaker sections of the community may be excluded or under-represented. Barrientos and Orton (1999) show how negotiations between unions and companies over labour codes often fail to involve some of the poorest sections of the workforce that are not adequately represented by the union, such as seasonal and women workers. In another example, the participatory element of Rio Tinto's programme to engage with the local community in Madagascar did not, according to Mulligan, include people without legal title to land (Mulligan 1999), thus excluding perhaps the most marginalised groups in the communities affected by the proposed titanium mine.

Even where communities secure recognition of their rights, they often lack the power to enforce agreements made with the company. For example, in the case of PT Inco in Soroako, Indonesia, the company allegedly failed to implement agreements reached with the community in 1979 (Moody 1999). Similarly, in Ecuador, communities felt that they should not have negotiated with the oil company Occidental without expert help, as there has been a lack of congruence between the words and deeds of the company (Kimmerling 2001). While many of the strategies employed by communities may provide effective mechanisms of answerability, a community's lack of power often undermines its ability to secure effective mechanisms of enforceability.

Similarly, a lack of literacy and technical skills can reduce the ability of communities, both to engage in meaningful dialogue with corporations and to challenge them about issues of impact on the environment and human health. Indigenous and experiential knowledges are often undervalued in attempts to hold corporations to account. For example, in Bumpass Cove, USA, local residents had noticed changes to the

environment and wildlife caused by toxic dumping. Letters sent by a concerned citizen to the Department of Public Health were filed but not acted upon (Merrifield 1993). Processes of systematising people's own knowledge and generating research that addresses peoples' own concerns through citizen epidemiology can begin to counter the exclusion of poorer people from the process of knowledge production (Merrifield 1993). Residents of Yellow Creek, Kentucky, USA, suspected that Middlesboro Tanning Company was polluting a local river thereby affecting their health. The residents carried out their own health survey, which while disputed as a source of sound statistical proof of the impact of pollution on health, served to draw attention to the issue, generating wider public concern. It also provided the community with information that they had not had before, providing a platform for further campaigning.

In Maharashtra India, participatory health surveys were produced in response to pollution being witnessed and experienced around the Lote-Parashuran Industrial Area, home to a number of large chemical companies. The surveys formed the basis of a community learning and capacity building programme, and provided the platform for a campaign involving local groups (Saini and Kadam 2001). A national NGO, the Society of Participatory Research in Asia (PRIA) also worked with a local organisation *Parivartan* to develop a "People's Development Plan" (PDP) after consultations with villages surrounding the chemical industry belt in Chiplun. This was presented at a public hearing that brought together community, government and corporations to explore ways of reconciling their differences (Newell 2003b). The response of the government Pollution Control Board and companies to the PDP included an agreement for compensation for damages caused by pollution, a re-evaluation of compensation for land already acquired, and provisional development of waste-treatment plans (Saini undated).

Communities often seek to amplify their power through building alliances with other actors and movements that may be in a better position to exert leverage over corporations and governments. For example, the Yonggom activists' role in building a network of international allies in their opposition to the Ok Tedi Mine in Papua New Guinea was pivotal in generating negative publicity for Broken Hill Proprietary Company Ltd, who eventually agreed to a substantial out-of-court settlement (Kirsch 1996b). It is important, however, not to exaggerate the degree to which company change in the South relies primarily upon Northern-based pressure. Our analysis of the case studies suggests that community-based strategies can be effective in their own right in challenging corporate power on a number of levels. The success of the Maria Elena Cuadra Women's Movement in Nicaragua in helping to secure the passage of a locally developed code of conduct as national law in 1998 was a result of local and national campaigning. Over a number of years, the women's movement established internal networks in factories in the non-unionised Export Processing Zones (EPZs) to discuss and campaign on worker-related issues and generate broad support for the code of conduct by mobilising the general population (Green 1998).

Often strategies operate at a more symbolic level. For example, the U'wa people of the cloud forests and plains of north-east Colombia, threatened to commit mass suicide following the exploration for oil by Occidental Petroleum (Oxy) on land the U'wa claim is theirs. The powerful symbolic resonance of the action brought international pressure to bear on Oxy, which is thought to have played a role in the company's decision to abandon the site after only one (failed) test for oil (Vidal 2002b). Borne of a similar frustration with the lack of responsiveness of the company to community demands, Nigerian women campaigners from the Escravos community in the Niger Delta brought a number of Chevron Texaco's oil plants to a halt over a ten-day period in July 2002 (Olukoya 2002). The women used the threat of a symbolic act of shame, threatening to remove their clothes, in order to initiate negotiations with the oil companies (Vidal 2002a). The act was successful in creating a space for negotiation with the company over social services and employment issues. While strategies that garner international pressure potentially offer the most leverage over TNCs in the short term, over the longer term community mobilisation for self-empowerment, challenging dominant knowledges and discourses, and developing capacities and self-confidence are important mechanisms for countering the more subtle and enduring levels at which corporate power operates.

5.2 Community employment

Where there are economic alternatives to the activities of a particular corporation, or where the creation of alternatives has been a strategy in itself, communities have had some success in demanding CA. In Forest County, Wisconsin, USA, the ability of an alliance of Native American groups from three local reservations[1] to generate alternative employment by becoming 'one of the biggest employers' in the area, helped to reduce demand for mining jobs from the wider community, who had originally been supporters of a mining development (Grossman and Gedicks 2001). In Vizag, India, local groups have been exploring livelihood alternatives to employment with the National Thermal Power Corporation (NTPC), where few openings have been created, despite promises of jobs at the outset in order to secure community support for the plant. Local groups such as *Sandhana* have been looking to develop forms of labour-intensive work using local skills that are likely to increase employment opportunities for women in particular (Newell 2003b).

Often, however, generating alternatives is not a realistic option for communities. In Bangladesh the lack of alternative employment for tannery workers and the competition even for such hazardous jobs, has meant that workers have little bargaining power. Workers in the *Nur Bhai* tannery were initially opposed to attempts by an NGO to initiate dialogue with the company on issues of worker safety and environmental issues, fearing that the company response would be relocation (Asia Foundation, undated). The settlement of the dispute over the Ok Tedi mine in Papua New Guinea, referred to above, demonstrated that, even where a legal settlement favoured the indigenous people, dependency upon the company continued in the absence of viable

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[1]   These include the Mole Lake Chippewa (Ojibwe) reservation, the Forest County Potawatomi reservation, and the Menominee nation.

livelihood alternatives. In August 1999 BHP announced that it regarded the mine as being "incompatible" with its environmental values, and that it would enter into negotiations with the Papua New Guinea government regarding mine closure (Harkinson 1999). This draws attention to the importance of *ex ante* accountability mechanisms, as in such cases, *ex poste* mechanisms may be unable to make up for the damage caused – with long-term consequences. Agreeing "exit" conditions for mine closure at the outset of the project would have been preferable, but the case highlights the difficult trade-offs that communities face. The potential closure of the Ok Tedi mine would have dramatic economic repercussions upon the population; however, not pursuing such a strategy implies the loss of key livelihood alternatives.

Where communities have access to alternative employment they are better placed to make accountability demands because they can challenge a corporation without risking their livelihoods. Nevertheless, the poorest elements within a community are often also the least skilled and therefore, depending on the sector, there may be less demand for their labour. In this case, even if other companies operate in the region, their ability to make additional demands of a company is significantly reduced. We have already noted that where a company feels itself under pressure to commit resources to higher social and environmental standards, it may relocate. Reflecting on experiences in the USA, Gaventa notes that 'increased globalisation meant that communities were affected by economic blackmail which pitted poor regions and workers against one another, with threats of moving jobs elsewhere if community action became too strong' (1999: 28). To counter this, groups have developed strategies that seek to prevent companies playing workers off against each other. Exposure and learning tours have been used to encourage empathy and learning about how workers are being treated by a company that has moved abroad, an attempt to break down the resentment that "home" workers often feel when a company relocates. One strategy, aimed at forging solidarities between workers in Mexico and in the Appalachian south, has been the organisation of study tours so that 'women who had lost their jobs in the Appalachian region could visit their counterparts who had gained similar jobs in . . . the maquiladora region of Mexico' (Gaventa 1999: 33). Similarly, American and Mexican participants learned about the enormous job losses in Canada that resulted from corporations moving south to the United States to avoid unions and generous social benefits. They note: 'dialogues among US workers around NAFTA abounded with stories of how, in bargaining sessions, management would often use the threat of moving production to Mexico or elsewhere to bargain down wages and working conditions in the United States' (Cavanagh *et al.* 2001: 153).

Community exchanges can be effective as a means of facilitating community learning about strategy and about other community's experiences with a company. Current engagements with companies can be informed by the company's previous track-record of acting on its promises and the extent to which it has shown itself to be responsive to community concerns in the past (Newell 2003b). Once, again, however, there is the issue of the fit between community demands and company capacity to respond to them. In examples such as the *Nur Bhai* tannery in Bangladesh, where the company is small-scale and where profit margins are tight, the onus was placed on the NGO to work in partnership with the business to achieve small-scale improvements in

worker safety and environmental impact (Asia Foundation, undated). More radical reforms would simply not be possible or realistic. In situations such as this, where levels of dependency are so high, engagement in promoting company reform is a necessary and important component of a campaigning strategy. While many of the factors discussed so far relate to community-corporation relations, internal community dynamics also raise issues for the effectiveness of community-based strategies for CA.

5.3 Intra-community relations

The fact that communities are highly differentiated, non-bounded groups, with differing interests and internal power relations, has a number of implications for the effectiveness of community-based strategies. Social and environmental problems produced by industrial development may be experienced differently by groups within communities. The impact of the Lote-Parshuram industrial development in Maharashtra, India, is argued to have had most impact upon *dalits* and women (Anand, undated: 17). *Dalits*, as landless agriculturalists in the area, received no compensation for loss of livelihood, whereas landowners did. While men lost livelihoods associated with fishing and agriculture due to the effects of the pollution, some at least had the opportunity to work in the new industries, while women did not. Women who had been active in agriculture and fishing lost economic independence following the industrial development, which led to a loss of self-worth and self-sufficiency (*ibid.*).

Different attitudes within the community towards a proposed project provide opportunities for industry to adopt a "divide and rule" strategy. Companies can seek to engage with those people willing to cooperate and dismiss, or ignore more confrontational views. For example, a legal case brought against Tiomin Resources Inc. in Kenya on the grounds of inadequate compensation for lands acquired by the company divided the community. Tiomin allegedly capitalised on this, and began to work with those who were dissatisfied with the legal approach (Ojiambo 2002: 20). Who is willing, and who is able to take advantage of "invited" spaces for participation in corporate decision-making is also dependent upon relations of power within communities. For example, a lack of attention by the electricity company WESCO in Kerala, India, to the make-up of Village Electrical Committees (VEC) set up to engage stakeholders with the company, led to the domination of these spaces by men and by the scheduled castes (Barney *et al.* 2001).

Demanded spaces are not necessarily more inclusive. The association of strategies with a particular group, even where the issue affects the whole community, presents a problem in this regard. In Buttonwillow, Kern County, USA, the campaign against the expansion of the Laidlaw toxic waste facility came to be primarily associated with the Latino members of the community, as a core concern became access to information and, in particular, the translation of documents from the environmental review process into Spanish. In the long term, this undermined the strength of the campaign, by limiting the appeal to non-Spanish speaking residents, despite the fact that the campaign issues affected the whole community (Cole and Foster 2002: 93). While demanded spaces are sometimes claimed to be exclusionary as a result of the process

of identity formation to build a common purpose (Cornwall 2002), in this case it was the reverse, as non-Spanish speaking residents were reluctant to get involved with Spanish speakers at a time when anti-immigrant issues were high-profile (Cole and Foster 2002). Being involved in such struggles can, therefore, serve to entrench power inequalities within communities with the result that gains made may accrue to some members of the community more than others. Among the rubber tappers in Brazil, Campbell (1996) found that, unlike men, women felt that their lives had changed little since the movement began. One woman explained: 'In this movement, the *seringueiro* [male rubber tapper], got free of the boss man, but the *mulher seringueira* [female rubber tapper] didn't get free from her boss – her husband' (1996: 52).

Issues of community difference demonstrate the importance of mechanisms to ensure the participation of a range of groups, and in particular more marginalised groups. Local or national NGOs often take on roles as advocates for marginalised people, and may seek to increase the access of these groups to participatory spaces. Given that power dynamics also influence the capacity of people to exert influence within such spaces, NGOs often also try to build capacity and self-confidence and to lobby for specialist facilitation techniques which can take account of differences in capacity and confidence. While the commitment of many NGOs to social justice and community development often makes them the appropriate bodies to perform such roles, there are also a number of issues surrounding community-NGO relations that may serve to undermine the effectiveness of community-based strategies for CA.

5.4 Community-NGO relations

Undoubtedly, NGOs can play a unique role in promoting CA to poorer and more marginalised groups, through their ability to garner public trust and to employ the 'mobilisation of shame' (Keck and Sikkink 1998) against powerful corporations. However, a growing body of literature draws attention to the importance of NGO's own accountability and legitimacy when they perform such functions (Edwards and Hulme 1995). National and international NGOs are themselves powerful actors in comparison to many of the local communities on whose behalf they campaign, raising the issue of the potential for the "webs" of accountability that exist between communities and NGOs, and between NGOs, their donors, and their members, to pull in competing directions.

In a number of cases, the involvement of NGOs may have served to reduce the responsiveness of corporations to community campaigns. For example, the Western Mining Corporation (WMC) was able to use the fact that a number of environmental groups, including the Conservation Council and Friends of the Earth, were closely involved with Aboriginal opponents of the development of the Olympic Dam mine in South Australia to question the legitimacy of the campaign. The company objected to negotiating with groups on the basis that they were "cronies" of the ENGOs, even though the majority of the community representatives favoured the ENGOs' stance on the mine (Ali 2000: 88).

Perhaps of more concern are issues surrounding the inclusivity of NGO-led alliances. There are questions concerning the extent to which they include the local population, or of how representative they are of differences within the local population. While the influence of ActionAid Kenya was effective in influencing both the Kenyan government and Tiomin Resources to attend roundtable discussions about the proposed titanium mine, some claim that this was achieved at the expense of ensuring the participation of the local community, who were unable to attend (Ojiambo 2002: 31). Given that the direct representation of previously marginalised people is an aim of citizen participation, the failure of these meetings to include members of the affected community undermined their effectiveness as inclusive mechanisms of accountability.

Research in Mexico by Hughes (2002) demonstrated that NGO claims to speak on behalf of poor or marginalised groups may disguise conflicts between them. Hughes examined the differing attitudes towards a benefit-sharing agreement reached between indigenous communities and the TNC Sandoz (now Novartis). While the communities considered their experience with the company generally positive and felt that the agreement contributed to the communities' longer-term sustainable development, the agreement was criticised by national and international NGOs for the misappropriation of indigenous knowledge (Hughes 2002: 104). While the communities were eager to take advantage of commercial benefits arising from the use of their resources in what they considered to be a sustainable way, for the NGO, which considered the commercialisation of indigenous knowledge to be a problem in itself, the case represented a violation of the environment and knowledge rights of indigenous communities (Hughes 2002: 106).

Local concerns for employment may also conflict with NGO agendas. In Wavecrest, South Africa, opposition to a proposed heavy mineral mine came both from within the locally affected Xhosa tribes, and also from the Wildlife and Environment Society, a national ENGO (Hamann 2001). However, the community position on the mine was divided. Opponents of the mine were generally elder, male cattle-owners, while other community members, who stood to gain from the employment opportunities of the mine, were more open to negotiation. However, according to Hamann, in its campaign against the proposed development, to which community opposition gave credibility and legitimacy, the ENGO presented a misleading image of a community united against the mine (Hamann 2001), effectively excluding community members who had an interest in the proposed developments.

Thus, there is a balance to strike between the benefits and risks of NGO involvement in community campaigns. International and national NGOs may provide much needed leverage to promote corporate responsiveness. Similarly, the resources, capacity-building and technical expertise that many NGOs can draw upon to assist community mobilisation can be important in promoting responsiveness. However, in order to ensure their "outsider" status does not undermine the credibility of community campaigns, NGOs should ensure that their own processes of decision-making are transparent and accountable, and that they foster strong links both *to* the community, and across different groups *within* the community. The most effective

Table 5.1 Summary of the influence of community-related factors on effectiveness

Factor	Influences: Responsiveness	Representation	Strategies
Community power	Lack of financial power Lack of power to enforce agreements Undervaluing of citizen knowledges	Exclusion Undervaluing of citizen knowledges	International networks and alliances Local and national alliances Local knowledge, health surveys Community protests Legal action Symbolic activities
Community employment	*Alternative economic activity/employment* Lack of alternative employment Corporate activity further increases dependency by destroying alternatives		Generation of economic alternatives Alliances of workers in the same company Community exchanges
Intra-community relations	Community differences may divide the strength of strategies Companies may use community divisions to undermine the legitimacy of groups opposing the company	Framing of campaign may exclude some groups Companies may exploit differences to exclude non-cooperative groups Community relations of power determine which groups may dominate spaces of citizenship participation	NGO capacity and confidence-building NGO advocacy for poorer and more marginalised groups
Community-NGO relations	*Strong NGO links to and within the community* "Outsider" status of NGO may reduce corporate responsiveness Community-NGO aims may conflict	*Strong NGO links to and within the community* *NGO transparency and accountability* NGO focus on getting response may limit inclusion of community Community-NGO aims may conflict	NGO attention to transparency and accountability Local capacity-building and ownership

Note: In columns two and three, normal text refers to decreasing effectiveness; text in italics refers to increased effectiveness.

strategies in terms of both corporate responsiveness and community representation are therefore those that combine the skills and resources of NGOs with the mobilisation, capacity-building and local community ownership. The "liberal" CSR approach to "tri-sector partnerships" often fails to make a distinction between NGO and community, and therefore risks overlooking issues regarding representation, and the extent to which the partnerships are inclusive of the community concerned.

5.5 Conclusion

The community-based factors which impact on the effectiveness of strategies for corporate accountability include the extent to which: (i) communities have the capacity to engage with national and international networks that are sensitive to local priorities; (ii) the capacity of citizens to engage in long-term locally "empowering" activities such as citizen epidemiology, People's Development Plans and the like; (iii) the extent to which differing groups within communities have the capacity to engage in campaigns and to benefit from their outcomes; and (iv) the capacity of communities to maintain control and ownership over local campaigns, and whether they can demand accountability and transparency from their national and international NGO allies. These factors are summarised in Table 5.1.

6 Conclusion

This paper has demonstrated how a number of interrelated contexts influence the effectiveness of community-based strategies for corporate accountability to the poor. These demonstrate both the numerous challenges communities face in holding to account institutions that affect their lives, and the range of innovative strategies that have been employed to confront these challenges. It has been argued that accountability – in terms of answerability and enforceability – is influenced by a number of interrelated state-, company- and community-related factors.

These factors do not have a hierarchy of relevance, but rather are multifaceted and work in conjunction with one another. Where there is a lack of state support for community rights and claims, or where the rights of corporations are protected at the expense of their responsibilities, the relationship between the community and the company takes on more importance. The level of corporate power, vulnerability to citizen strategies, and attitude towards citizen participation therefore become key. An important determinant of the responsiveness of corporations will also be the forms of community power deployed, the extent to which they can draw on national and international NGO support, and the level of community economic (in)dependence *vis-à-vis* corporations. NGOs can play a key role in representing the most vulnerable groups in this regard, and in mediating conflict between different groups. Their legitimacy to perform this role, in turn, relies on their own accountability to the communities they are negotiating on behalf of.

However, in many cases, change has also resulted from local and national mobilisation using a range of strategies, including negotiation, protest, and litigation. Such strategies have been shown to be complementary; direct action or litigation often create the incentives for corporations to engage in more co-optive strategies. Confrontational strategies may also act, to some extent, as sanctions for the non-enforcement of agreements made between corporations and communities. However, ensuring the latter has been found to be the most difficult aspect of CA for community-based strategies to obtain.

These findings build upon emerging research in the area of CSR. They support some of the findings regarding the vulnerability of TNCs to citizen pressure. However, while accepting emphasis upon Northern-based NGOs and consumer pressure in driving corporate responsiveness, this paper has also demonstrated that local level strategies and agency is important. The findings also confirm many of the lessons suggested in the accountability literature regarding factors that impinge upon the effectiveness of accountability strategies (Newell and Bellour 2002), such as the importance of legal frameworks (and their interpretation) and state and citizen sanctions. In particular, decisions made by the state about whether or not to implement different legal rights and responsibilities and whether or not to sanction misconduct are key to CA. Equally, the ability of communities to use the law to their advantage and as one tool for the realisation of their rights is central to CA in practice. Inevitably for this, and other reasons outlined in this paper, the success of community-based strategies for corporate accountability is conditional upon the right combination of contexts and strategies adopted by other state, civil society, and corporate actors. This may explain higher levels of success in achieving a level of answerability from corporations, than in guaranteeing enforcement of accountability measures.

This paper has found that with regards to citizen participation, issues of access and representation, control and framing and recognition of alternative knowledges are important in both corporate engagement with communities and in NGO relations to communities they claim to represent. It has supported Cornwall's (2002) claim that demanded spaces are not necessarily more inclusive by virtue of initiation from below. The role of NGOs in representing and mediating community claims, and in helping to promote capacity to engage, is therefore crucial.

It is clear that factors influencing the effectiveness of CA to the poor are multiple, complex and tightly interconnected. Community-based strategies are therefore necessarily diverse and contingent upon the particular, context-specific balance between political, economic and social factors. They tend to be multi-pronged approaches, in order to address the range of conditions they face. This paper does not set out a neat checklist of factors partnered with strategies. Rather, it has attempted to identify a series of state-based, company-based and community-based factors that help to account for the conditions in which community-based strategies for corporate accountability are likely to be more effective. This brings to debates on CSR, therefore, a clearer sense of the everyday contexts in which people in majority world settings are fighting to secure accountability from investors with whom they are working on an increasing basis. The findings of this

paper, based on the "factor framework" we have developed, are merely a starting point for what we hope will be an important and timely research agenda centred on how the poor may seek to develop their own strategies and mechanisms of accountability from the corporations they work with and for.

It should be clear that we are not assuming that community-based strategies are the "magic bullet" for achieving higher levels of corporate accountability to the poor. We have made clear that we believe that there is much that states, corporations and civil society can and should be doing to advance this agenda. But while civil regulation and self-regulation may bring about certain gains for the poor, they are limited as a viable global model for corporate regulation and accountability. Attempts to strengthen state-based regulation are to be welcomed but take time, so that in the meantime it is inevitable that in the absence of a more supportive enabling environment, communities will continue to develop their own innovative strategies to enhance the accountability of the corporations they host. We therefore conclude that more emphasis is required in debates about the role of corporations in development on the state, company, and community-based factors that affect the relations of accountability between communities and corporations. This paper has attempted to contribute to an understanding of these factors and how, when and why they are important in practice.

Appendix: Summary of case studies

No.	Details	Strategies	Effectiveness	Factors	Source(s)
	LOGGING/PLANTATIONS				
1	• Cameroon • 1970s onwards • Various logging companies • Opposition from Bantu and Baku indigenous residents • Communal land rights	• Baku – withdrawal and refusal to collaborate • Bantu – petitions; protests including road blocks	• Some response to petitions	• Colonial legislation denied communal land rights	Nguiffo (1998)
2	• Acre, Brazil • 1970-ongoing • Ranchers and commercial loggers in the Amazon • Opposition from rubber tapper communities	• Mobilisation and self-organisation – establishment of the rural workers' union in 1977 • *Empate* demonstrations • Alliances with international network of environmental campaigners	• Government recognition of rubber tapper extractive reserves	• Pressure of international allies upon the World Bank; World Bank suspension of funding of projects	Campbell (1996); Diegus (1998); Keck (1995)
3	• Sieberut, Indonesia • Ongoing • Miscellaneous logging companies • Granting of illegal logging permits to companies posing as local Mentawai cooperatives • Opposition by local groups to logging	• Campaigning, attempts to get access to information regarding responsibilities for granting of illegal permits • Direct action	• Failure to obtain information regarding granting of permits • Continued logging	• Lack of transparency of local government • Local officials gain financially for granting illegal logging permits	DTE (2001); DTE (2000)

No.	Details	Strategies	Effectiveness	Factors	Source
TANNING					
4	• Hazaribagh, Dhaka, Bangladesh • *undated* Various tanneries, • *Nur Bhai* tannery • Environmental pollution and hazardous working conditions	• Action initiated by NGO engaging company and workers in partnership • Not initiated by workers themselves	• Small changes made in production processes and in protection of workers – improvements in environmental impact and worker safety	• Lack of alternative employment for workers • Lack of worker negotiating power • Role of NGO as advocate and facilitator	Asian Foundation (*undated*)
5	• Yellow Creek, Kentucky, USA • 1980 • Middlesboro Tanning Company • Pollution of local river • Residents concerns regarding effects of pollution on health	• Residents carried out "citizen" epidemiology • Drawing attention to impact of pollution on health	• Provided community with information they wanted • Drew greater attention to the issue	• Lack of company transparency • Monopoly of "expertise"	Merrifield (1993)
HAZARDOUS/TOXIC MANUFACTURING					
6	• Bhopal, India • 1984-ongoing • Union Carbide Limited (now Dow Chemicals) • Accidental gas explosion, killing approximately 20,000 people • Strategies to receive adequate compensation	• Court cases • Health surveys • Protests	• Supreme Court of India ordered UCL and UCIL to pay US$470m in full settlement for all claims • Limited effectiveness of settlement for many people affected by the accident	• Negotiations for the settlement between UCIL and the Indian government made without the meaningful participation of affected people	Greenpeace (2002: 14-5); Newell (2001a: 86)

No.	Details	Strategies	Effectiveness	Factors	Source(s)
7	• Spolana, Neratovice, Czech Republic • 1968–ongoing • Chemical production • Severe health effects on workers	• Workers to set up a civil initiative • Greenpeace lobbying	• Superficial responses by company	• Close links to government, as recently privatised protecting company to some degree	Greenpeace (2002: 46–8)
8	• Kodaikanal, India • *Undated* • Unilever • Plant producing mercury thermometers has severely polluted water and surrounding environment and has impacted on health of workers and local population	• Requests by former workers for health records held by the company • Requests for independent health and pollution surveys	• Company refusal to give health records to former employees • Company rejection of independent health or pollution investigations	• Lack of transparency • Weak mechanisms for providing/enforcing citizen right to information	Greenpeace (2002: 49–50)
9	• Oak Ridge, Tennessee, USA • 1950s–60s • Nuclear bomb manufacturing • Mercury contamination of local environment, including creek used for fishing for food by local community	• Employee investigations into pollution • Campaigning by local paper revealed pollution	• Company fired employee who investigated pollution, and dismissed his findings	• Weak mechanisms for providing/enforcing citizen rights to information • Employer power of company creates disincentives to worker investigations of company's environmental impact	Merrifield (1993)

No.	Details	Strategies	Effectiveness	Factors	Source(s)
GENERAL MANUFACTURING					
10	• El Salvador • Early 1990s • The Gap, clothing retailer • Working conditions in El Salvador factories	• Exposes • International coalition of labour, religious and other organisations	• Initially The Gap announced that it would close the factory • Further campaigning led to the company agreeing to an independently monitored code of conduct	• Mobility of company • International pressure by coalition	Cavanagh and Broad (1996)
11	• Greenville Alabama and Knoxville Tennessee, USA • Allied Signal Seat Belt Company		• Company successfully bargained down wages and workers rights in both factories, before relocating to Mexico	• Mobility confers power on Company to use "economic blackmail" and bargaining for labour concessions	Gaventa (1990)
HEAVY MANUFACTURING					
12	• Malaysia • Mitsubishi	• International campaigns	• Mitsubishi shut down its plant in Malaysia and relocated to China	• Mobility of company	Karliner 1997 (cited in Newell 2002: 96)
MINING					
13	• Kenya • 1996, ongoing • Tiomin Resources Inc. • 1996-ongoing • Proposed titanium mine	• Campaigns to enact legal acts (EMCA) • Networking and alliance building • Research – alternative EIA • Media advocacy • Demanded spaces – roundtable meetings with company and government	• Did not prevent the permit being granted to Tiomin • Roundtable meetings were not inclusive of the affected communities	• State policy to attract FDI, undermine community rights vis a vis company • Role of national NGO, ActionAid putting responsiveness before inclusivity	Ojiambo (2002)

No.	Details	Strategies	Effectiveness	Factors	Source(s)
14	• Guyana • 1995 • Omai Gold Mine Limited • Cyanide spill	• Lawsuit • Shareholder activism	• Company has not compensated people affected by the spill	• Power of the company	Greenpeace (2002: 90–2)
15	• Olympic Dam mine, Australia • Western Mining Corporation (WMC)	• Campaigns • Negotiations	• Mine development went ahead, without taking concerns of opponents into account	• WMC exploited community divisions to legitimise non-negotiation with opponents	Ali (2000)
16	• Timika, Jiraian Jaya/West Papua, Indonesia • 1967-onwards • Freeport McMoran (major shareholder Rio Tinto) • Indigenous land rights, human rights, compensation	• Symbolic protests • Letters • Demonstrations • Media involvement • Legal actions	• Lawsuits failed to get compensation • Lack of responsiveness of company to community concerns	• Power of Freeport vis à vis the state • State protection of corporations rights, non protection of community rights • Suppression of community rights	Abrash (2001)
17	• Bohomotefe, One Putih Jaya and Soroaka, Central Sulwesi, Indonesia • 1970s-ongoing • PT Inco • Nickel mining, indigenous rights, displacement and compensation	• Campaigns • Attempts to initiate dialogue	• Company cancelled meeting with residents • Company has not implemented agreements regarding compensation made with the community in the 1970s	• Close relationship between company and government • Lack of government protection of community rights • Lack of company commitment to negotiations	Moody (1999)
18	• Wavecrest, Wildcoast, South Africa • 1990s • Proposed mine	• Media involvement • NGO campaigns		• Local community representation by NGO open to question	Hamann (2001)

No.	Details	Strategies	Effectiveness	Factors	Source(s)
19	• Cove, Arizona and Monument Valley, Utah, USA • 1948–67 • Uranium mining • Hazardous working conditions	• Learning and advocacy • Campaigning for Radon Exposure Compensation Act (RECA)	• RECA passed in 1990s • Problems with implementation and payment of compensation	• Lack of transparency and provision of information • Complicity of government in non-provision of information	Brugge *et al.* (2001)
20	• Eimish/Tasiujatsoak/ Voisey's Bay, Canada • 1994-ongoing • Diamond Field Resources (DFR), Later Inco • Proposed mining on contested indigenous land	• Innu and Innuit go through legal process of getting legal recognition of traditional land rights • Campaign for their right to be included in negotiations regarding proposed mine • Direct action • Strategic use of discourse	• Community successfully establish their right to participate in negotiations	• High level of community organisation • Degree of support from state	Innes (2001); Moody (1999)
21	• Forest County, Wisconsin, USA • 1975-onwards • Exxon and Rio Algom • Proposed copper mine • Potential impact on a number of indigenous reserves	• Creation of broad-based alliance • Creation of alternative sources of employment to pay for legal and expert technical advice • Successfully used treaty and sovereign rights	• Development of mine prevented	• Federal recognition of indigenous rights	Grossman and Gedicks (2001)

No.	Details	Strategies	Effectiveness	Factors	Source(s)
22	• Papua New Guinea • 1980s–ongoing • Broken Hill Proprietary Company Ltd (BHP) • Mining, Pollution	• Building links with global alliance activists • Litigation	• Out of court settlement including compensation, equity-sharing and provision for clean-up of river • Problems in implementation • BHP considering leaving	• Limitations of legal settlements if company activity has destroyed alternative livelihoods and created dependency	Kirsch (1996a, 1996b); Newell (2001a); Harkinson (1999)
23	• South Africa • 1970s–2002 • Cape plc • Mined and milled asbestos • Hazardous working conditions	• Campaigning • International alliances • Lobbying politicians	• Successful legal case in the UK • Compensation package	• Cape failed to implement safe working conditions	ACTSA (2001, 2002)
24	• Madagascar • 1997–98 • Rio Tinto • Proposed titanium mining	• Company-initiated engagement with community	• Participatory approaches were flawed	• Company's approach to participation limited due to framing and control	Mulligan (1999)
25	• Las Cristinas, Venezuela • 1999 • Placer Dome • Partnership approach to the decision by Placer Dome to suspend planned mine	• Community engagement in partnership facilitated by BPD	• Limited input of community regarding the purpose of the partnership	• Instrumental approach to partnership • Control and framing of partnership by company • Limited input of community regarding the purpose of the partnership	BPD (2001); Warner (2002)

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No.	Details	Strategies	Effectiveness	Factors	Source(s)
OIL EXTRACTION					
26	• Oriente, Ecuador • 1967–93 • Texaco • Oil extraction, pollution, indigenous rights	• Litigation • Direct action • Negotiations • Alliances	• Legal case unsuccessful • Direct action and negotiations led to some concessions	• Financial dependence of Ecuador on oil • Government impeding legal actions against company • Lack of government support to community rights	Madeley (1999); Kimmerling (1996)
27	• Ogoniland, Nigeria • 1990s • Royal Dutch–Shell • Environmental impacts of oil extraction	• Protests • International alliances • Media attention	• Limited response by Shell	• Corrupt links between the state and company	Obiora (1999); Okonta and Douglas (2001)
28	• Samore Block, Boyaca Dept, Colombia • Oxy and Shell • Oil • Land ownership	• Media campaigns • International alliances • Road-blocks and sit-ins • Demonstrations • Symbolic acts	• Oxy pulled out of investment due to not finding oil, but international attention considered to be part of the reason	• Symbolic acts attract international attention	Izquierdo (2001)
29	• Oriente, Ecuador • Contemporary • Occidental • Pollution	• Negotiations with company	• Lack of enforcement of negotiated agreements	• Lack of community power to enforce agreements • Felt that should not have negotiated without expert help	Kimmerling (2001)

No.	Details	Strategies	Effectiveness	Factors	Source(s)
30	• Niger Delta, Nigeria • 2002 • Chevron Texaco • Pollution and social impacts of oil extraction	• Women occupy oil facilities • Use of symbolic acts	• Successful initiation of negotiations		Vidal (2002a)
EPZs/FTZs					
31	• Sri Lanka, FTZ • 1990s-ongoing • Various businesses • Non-recognition of workers' legal rights, repression and violence, bad working conditions, sexual harassment	• Creation of Joint Association, and eventually the FTZ Workers Democratic Union.	• One FTZWU legally recognised, two have been disbanded	• Lack of political will to enforce workers legal rights • No formal enforcement mechanisms by which workers can claim their rights • IMF pressure	Marcus and Dent (2001)
32	• Nicaragua, EPZs • 1990s • Various businesses	• Maria Elena Cuadra Women's Movement • Established internal networks in factories in non-unionised EPZs • Campaign "Yes to Jobs, but With Dignity" • Ethical code of conduct • Petition	• Code passed into law in 1998	• Importance of local organisation • Government recognition	Green (1998)

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No.	Details	Strategies	Effectiveness	Factors	Source(s)
"MEGA" PROJECTS					
33	• Orissa, India • 1997 • WESCO electricity company • Company attempts to engage stakeholders		• Establishment of Village Electricity Councils (VECs) as spaces of company-community interface • Domination of spaces by men and higher castes	• Lack of company commitment to ensuring representation of vulnerable members of the community • "Efficiency" imperative rather than genuine engagement with stakeholders	Barney et al. (2001)
WASTE DUMPING/TOXIC CHEMICALS					
34	• Kettleman City, Kings County, USA • 1988–93 • Chem Waste • Planning of a waste dump outskirts of Kettleman City • Inadequate involvement of local residents in EIR process • "Environmental racism"	• Letter-writing • Campaigning at EIR meetings • Campaign for translation of meeting and documents into Spanish • Lawsuit	• Lawsuit found in favour of residents, stopped proposed development	• "Environmental Racism" • Siting of unpopular/hazardous facilities in communities "least able to resist"	Cole and Foster (2002)
35	• Haifa Bay, Israel • 1996-onwards • Environmental Pollution	• Legal cases • Campaigning	• Lawsuits successful to some extent, but did not address some important issues		Greenpeace (2002: 31–2)

No.	Details	Strategies	Effectiveness	Factors	Source(s)
36	• Rhodia SA, Brazil • Chemical manufacturing/ toxic waste dumping	• Pressure from employees at Cubatao plant • A number of studies conducted regarding level and impact of pollution	• Company contested findings of studies • Claimed pollution levels safe	• Competing claims to sound science	Greenpeace (2002: 37–9)
37	• Shell Brazil SA, Paulhnia, Brazil • 1990s–2001 • Pesticides/pollution	• Vigil by community outside plant • Public hearing • Sent critical report of Shell to the FTSE4good	• Company responded to threat of negative international PR, and began to buy properties from people whose land was affected by pollution	• Vulnerability to international pressure of the company	Greenpeace (2002: 40–2)
38	• Paraguay • Delta and Pine Land Company • Dumping of cotton seeds treated with toxic chemicals • Pollution and illness among local population		• Legal ruling demanding the company remove the seeds • Company refused	• Power differentials between state and TNC – unable to enforce sanctions	Greenpeace (2002: 59–60)
39	• Kerala, India • 1980s-ongoing • Plantation Corporation of Kerala (PCK) • Pesticide spraying, inadequate safety measures	• Campaigns • Formal complaints • Demonstrations • Media campaigning • Legal action	• Temporary halt to aerial spraying of Endosulfan	• PCK a public company • Local political leaders reluctant to challenge PCK	Greenpeace (2002: 63–5); The Hindu (2001); Joshi (2001)

No.	Details	Strategies	Effectiveness	Factors	Source(s)
40	• Maharashtra, India • 1990s • Lote-Parashuran industrial area • Pollution of rivers and agricultural land • Non-provision of employment as promised	• Community protests • Legal action • PRIA and Parivartan conduct participatory health surveys • Community awareness-raising and education • Public hearing	• State and industry commit to a number of community demands following the public hearing	• Importance of multi-pronged strategies • Importance of community empowerment and identification of needs • Differential impact of affects of pollution on different groups within the community	Saini and Kadam (2001); Saini (*undated*); Anand (*undated*)
41	• Bumpass Cove, Tennessee, USA • 1970s • Landfill, toxic dumping	• Letters • Direct action • Local awareness-building and education	• Local officials respond and put weight limit on bridge – effectively closing the plant	• Lack of transparency regarding waste dumping • Community knowledge regarding environment undervalued	Merrifield (1993)
42	• Buttonwillow, Kern County, USA • 1992-ongoing • Laidlaw – toxic waste dump • Exclusion of local residents from EIR regarding proposed extension of dump	• Residents campaign at EIR meetings • Campaigning for Spanish translation of meetings and documents • Legal challenge to decision to grant permit	• Legal case unsuccessful • Company and local government sue campaigners for legal expenses • Association of the campaign with Spanish-speakers undermined appeal of campaign to non-Spanish speakers	• "Environmental Racism" • Siting of unpopular/ hazardous facilities in communities "least able to resist" • Community differences potentially undermined strength of the campaign	Cole and Foster (2002)

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No.	Details	Strategies	Effectiveness	Factors	Source(s)
43	• Durban, South Africa • 1990s • Thor Chemicals • Mercury poisoning of factory workers and river	• Alliance of trade unions • Demonstrations • Litigation in UK	• In South Africa, Department of Water Affairs ordered Thor to suspend operations • 20 workers won legal damages from UK parent company	• Coordinated international action demonstrates links between parent companies and local subsidiaries, and transfer of technology	Newell (2001a); Mittelman (1998)
BIOPROSPECTING					
44	• Sierra Juárez, Oaxaca, Mexico • 1990s • Sandoz (now Novartis) • Access and benefit sharing agreement between four indigenous communities and Sandoz	• Community organisation engagement in negotiations and agreement with Sandoz	• Community generally satisfied with agreement	• Representation of the agreement by national NGOs as exploitative agreement, despite community satisfaction with it	Hughes (2002)

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