Overview: Rights, resources and corporate accountability

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> The rapid expansion of global investment, production and consumption, in short, has collided in many places and in many ways with local communities. The collisions take place in both developed and developing countries.... Lacking the protection of either national or global norms and institutions, poor and marginal communities in developing countries are either left to suffer or fight or both. (Zarsky 2002: 2)

This section of the book explores the ways in which poorer groups mobilise to hold powerful corporate actors to account for their social, environmental and developmental responsibilities. We noted in Chapter 1 the way in which the state has assumed a central place in discussions about accountability in development amid the attention given to the good governance agenda. Embodying the technocratic approach to accountability that we are questioning in this book, the good governance agenda has privileged sound accounting, reporting and transparency as the central pillars of accountability. It is thus unsurprising that many such notions of accountability have been picked up and put into practice by the private sector. Indeed, there is an intimate relationship between the state and corporate accountability that lies at the heart of initiatives such as 'publish what you pay', recognising the key role of the private sector in attempts to combat government corruption.

Nevertheless, there is a broader and more fundamental accountability agenda that is neglected when we pose the issue in terms of sound financial management and clear reporting requirements. In a context of globalisation, businesses have assumed new forms of power which derive from the legal protection they now operate under as well as unprecedented access to new areas of the world. Investor agreements and global trade accords have enshrined these new powers, described by some as the 'new

constitutionalism' (Gill 1995). While the rights of capital are more protected than ever before, the same cannot be said of the labour companies employ or the communities that host them. Questions about who regulates companies which increasingly operate beyond the control of any one state and who, therefore, is responsible when they fail to act responsibly, acquire central importance in development.

This raises issues about the ability of conventional tools of accountability to operate effectively in this new context and, in particular, to serve the needs of poorer and more marginalised groups. International regulation, and in particular international law, is seen to be weak and underdeveloped, and the capacity and willingness of states to regulate business have been thrown into doubt. Businesses themselves have proposed voluntary forms of self-regulation, but issues regarding their enforceability and scope have generated scepticism about whom they serve and how effectively. In this governance gap, NGOs, social movements and community groups have been constructing new mechanisms of accountability through a diversity of means. Though the breadth of strategies adopted towards this end demonstrates a remarkable diversity, and the range of both sectors and regions that we explore in this section of the book reflects a vast geographical canvas, the interesting, notable and politically significant point is the similarities and connections between the ways in which poorer groups in the global North and South are organising to put power into accountability.

Engaging allies across levels of decision making and beyond national borders, groups have mobilised through imaginative and incredibly broad repertories of protest to register dissent, amplify voice and construct alternatives. Some strategies are aimed at enforcing rules and regulations set by others. Mobilisations around labour laws in the United States bear this out in the form of the living wage campaign and efforts to contest the racialised (non)-enforcement of environmental protection measures. Others are aimed at questioning deeper assumptions about who bears the costs and secures the gains from development. In the Niger delta, the contest is centred around the distribution of oil revenues, raising in turn complex and fraught questions of land ownership and entitlement, and magnifying ethnic divisions and sensitivities. In India, marginalised groups question why they are being asked to bear the social costs of adjustment by hosting large industrial projects that primarily benefit wealthier urban élites. Often, then, the issue at stake is the right to say no and the right to claim accountability. Positive rights that do exist are often systematically violated, or lack of awareness about their existence makes it easy for governments to overlook them.

Though played out through localised contests, these conflicts very rapidly assume much wider political dimensions. While garment workers in Bangladesh find their working conditions under scrutiny as a result of civil society campaigns about 'sweatshop' working conditions, activists in the North attempt to exert pressure on oil companies in order to change their operations in Nigeria. To some extent, companies force the spotlight on themselves, engaging in global claim making regarding their responsibilities and invoking the language of citizenship while continuing to be involved in controversial projects on the ground. The case of the National Thermal Power Corporation in India bears this out clearly.

The politics of promoting and ensuring corporate accountability is played out across many arenas simultaneously, therefore, implying a range of actors and raising awkward questions about where the lines of responsibility are drawn between state, market and civil society. The nature of the accountability contest inevitably changes according to the context, reflecting unique histories of conflict and distinct cultures of accountability. The materiality of the resources over which these contests and claims are fought brings into sharp relief questions of power over production and distribution, and, in so doing, raises questions of equity and justice. In Nigeria these controversies are often played out along ethnic lines. In the United States racial dimensions assume a higher profile in debates about environmental racism. Despite these differences, what we find are surprising similarities between the way groups mobilise to contest their fate as the social and environmental sinks that absorb costs associated with other people's development. From using 'weapons of the weak' (Scott 1985) and strategies of resistance, to various forms of engagement with formal institutions, what we see amid the empirical diversity is convergence around many of the themes we highlighted in Chapter 1 about the importance of cultures of accountability, the limits of strategies that rely upon change produced through the law, and the importance of viewing accountability struggles not as an end in themselves, but rather as a surrogate for the pursuit of a variety of forms of social and environmental justice.

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