

## chapter fourteen

# The Petroleum Commons

### Local, Islamic, and Global

1. All land and natural resources (including mineral resources) within the Ijaw territory belong to Ijaw communities and are the basis of our survival.
2. We cease to recognize all undemocratic decrees that rob our peoples' communities of the right to ownership and control of our lives and resources, which were enacted without our participation and dissent. These include the Land Use Decree and The Petroleum Decree.

—The Kaiama Declaration (December 1998)

### Introduction: Oil and Water

The struggles over the ownership of the two most important political liquids of this era, petroleum and water, have had different fates. Though water has been proclaimed to be either private, state or common property throughout history, the novel feature of this neo-liberal period has been the move by corporations to totally privatize it. The powerful struggles waged against the corporate privatization of water from Cochabamba (Bolivia) to Soweto (South Africa) have focused world attention on the question: Who owns water? The consequent efforts to keep water as a common property on a local and global level are now among the most important initiatives of the anti-globalization movement.

Petroleum, on the other hand, has in the last hundred and fifty years been considered exclusively as either private or state property. Thus, the pages of the history books on the petroleum industry have been filled with “magnates” like John D. Rockefeller or government “leaders” like Saddam Hussain and Winston Churchill.

Similarly, the “struggle over oil” has been largely seen as a struggle between oil companies and governments, since its beginnings in the mid-nineteenth century.

However, over the last fifteen years, there has been a major shift in the physiognomy of the protagonists of the oil struggle. National governments and huge energy conglomerates no longer dominate the scene. The new protagonists include: “peoples” like the Ijaws, the Ogoni, the Chiapanecos, the U’wa, the Cofan, the Secoyas, the Huaorani, the people of Ache (Sumatra); border-transcending social movements under the star of Islam and subscribing to “Islamic economics”; elements of the UN system like the World Bank, claiming to provide the “global governance” of the “global commons.” These peoples, movements and global entities have entered the struggle for the control of oil production, legitimizing themselves with a new (and at the same time quite archaic) conception of property: common property.

Why is the notion of a petroleum common emerging now, and what are its consequences for the oil industry?

There are three levels of claims to petroleum as a common property, correlating with three kinds of allied communities that are now taking shape, for there is no common property without a community that regulates its use:

- First, some local communities most directly affected by the extraction of petroleum claim to own and regulate the petroleum under their territory as a common.
- Second, Islamic economists claim for the Islamic community of believers, from Morocco to Indonesia, and its representative, the 21st century Caliphate in formation, ownership of and the right to regulate the huge petroleum fields beneath the vast territory corresponding to the countries of the *ummah*.
- Third, UN officials claim for the “coming global community” the right to regulate the so-called global commons: air, water, land, minerals (including petroleum) and “nous” (knowledge and information). This imagined global community is to be represented by the dizzying array of “angels” that make up the UN system, from NGO activists to UN environmentalist bureaucrats to World Bank “green” advisors.

All these claims and their legitimizing discourse are displacing, with different results, the monopoly hold of governments and corporations over the ownership and regulation of the planet’s petroleum. There is much that is shared by these different conceptions of the petroleum commons, but they are also often in conflict. These

conflicts will determine how the ownership of petroleum and the regulation of its extraction and use will be transformed by the entrance of the “commoners” into a field dominated for over a century by nation states and global corporations.

## The Local Petroleum Commons: Nigeria, Chiapas, the Amazon

One of the most important areas where the petroleum commons is emerging as a political reality is the Niger Delta. This area is at the meeting point of many crossroads in the world market. Three centuries ago the region from Escarvos to Calabar was the main place for the storage and transshipment of African slaves bound for the plantations of the Americas. The slave trade poisoned social relations in the Niger Delta, but the people of the Delta continue to be poisoned, physically, economically, as well as socially, today by the global oil industry. They have been resisting this fate with great courage and originality, taking a political road that has begun with the demand for reparations for the damages caused by petroleum extraction, and has evolved into the declaration that petroleum in the Delta is a commons.

The story of this struggle begins in the early 1990s, when the Ogoni people decided that the time was ripe to transform what had been a long-fought but largely unknown local struggle against the Nigerian government and the oil companies into an internationally-recognized one. The Ogoni are a relatively small ethnic group in Southeastern Nigeria (with a population of less than a million), but they have been at the center of oil production from its beginning and have suffered greatly for it. In the 1990s they realized that if they had to fight a global oil company—in this case, Royal Dutch Shell—to obtain reparations, they had to become global themselves. How could a small, impoverished ethnic group, in the midst of an “obscure” part of Africa, do that? Parochial, ethnic politics had to be transcended so that the Ogoni struggle could be connected to the worldwide ecological struggle against the oil companies. On the heels of the “No Blood for Oil” campaign against the 1991 Gulf War, the Ogoni proclaimed that they too had paid a high price to fuel Shell’s profits and the industrial machines of Europe and the US. With the help of one of their leaders, playwright Kenule Saro-Wiwa, who had built up an international audience with his writings, this message reached the environmental groups across the planet.

The Movement for the Survival of the Ogoni People (MOSOP) stimulated a recomposition of the anti-capitalist movement, as it made it clear that the Ogoni’s demand for reparations from Shell was an integral part of the broader demand by

grassroot movements internationally that corporations everywhere pay for the destruction caused by capitalist development. In 1995, Saro-Wiwa was arrested and hanged, together with another eight Ogoni leaders, on fabricated murder charges by the Nigerian military regime of General Sani Abacha. Simultaneously scores of Ogoni villages were attacked, often razed to the ground by the Nigerian army, plausibly with the complicity/assistance of Shell. In response to these events, which left many people dead on the ground and thousands of refugees, Greenpeace and other environmental groups organized a worldwide boycott against Shell, protesting the exchange of blood for oil in Nigeria as in the Middle East. Ken Saro-Wiwa paid with his life for connecting the Ogoni with a world environmentalist movement, but his organizational model has been used again and again by other small ethnic groups throughout the world.

In Nigeria itself, the high cost paid by the Ogoni for their struggle was noted by other militant groups in the Niger Delta, who have since de-emphasized the international aspect of their organizational efforts and focused, instead, directly on negotiations with the oil companies and with the Nigerian government, based upon their capacity to hinder or halt production or shipment of oil. These groups have also pushed the demands of the struggle to a new level. Instead of demanding reparations, as MOSOP had done, they have been claiming ownership of the petroleum underneath their territories, defining it as a common property.

The most prominent movement in the Delta after the decline of MOSOP has been the Movement for the Survival of Ijaw Ethnic Nationality (MOSIEN). It is one of the largest ethnic groups in the Delta (with a population of approximately eight million). The Ijaw have abandoned the non-violence tactics sponsored by the Ogoni and resurrected the militant symbols and memories of their collective past. The cult of Egbesu, their traditional war god, has been the recruiting ground for young militants who in its name have liberated their leaders from government prisons, taken over oil installations, and kidnapped oil workers.

Ken Saro-Wiwa and the other Ogoni leaders had been convinced that it was folly to presume that a small ethnic group could directly confront the mighty Nigerian army at the time controlled by a military government. Thus they had preached non-violent resistance. The Ijaw militants have rejected this path, though they have faced devastating attacks by the Nigerian military—including the horrendous Christmas massacre at Odi in 1999 that left 2,000 dead. This shift in tactics has put into question much of the international support that the Ogoni struggle and Saro-Wiwa's martyrdom had engendered for the struggles in the Niger Delta.

There were other important changes in the struggle of the Ijaw with the government and oil companies. As stated in the Kaiama Declaration, the Ijaw have formally declared the petroleum within Ijaw territory as common property of the Ijaw community. Presently, the idea of a petroleum common is at the center of the discourse of the resistance to oil companies in the Nigeria Delta. An example is the reply which the former president of the Ijaw Youth Council and current militia commander, Alhaji Mujahid Dokubo-Asari, gave to a *Financial Times* reporter when asked how much his men take from the pipelines each day. "As much as we can. It's free," Dokubo-Asari answered. Another example is the scornful graffiti that the invading army soldiers left behind after the Odi massacre: "Na you get oil? Foolish people." ("Does the oil belong to you? Foolish people.")

A further dramatic political development in the struggle for the "petroleum commons" was the entrance in it of women's organizations. Local women from the Ijaw and Istkeri ethnicities remembered in this context the old tactic of shaming soldiers by appearing before them collectively naked—which had been used to effect against the British in the Aba Women's War of 1929. In November 2002, after being brutally beaten by the oil company guards, one group of women protesters in the Delta threatened that "within 10 days from today, if our hospital and rehabilitation bills are not paid, we will all come out en masse fully naked, and we shall occupy not only their gates but their flow stations throughout the Niger Delta." The showing of one's genitals, especially for women past the age of reproduction, is a formidable curse, in many areas of Africa. But what was more threatening to the oil companies and the Nigerian government than the occupation of the oil installations by thousands of naked women was the fact that these women came from different ethnic groups, often in conflict with each other. The most powerful weapon in the hands of the government and the oil companies against the demand for reparations and the recognition of communal ownership of oil are the division existing between the different ethnic groups that populate the Delta, which have already resulted in thousands of deaths over the last decade. Thus the fact that women from the oft-warring Itsekiri, Ijaw, Ilaje and Urhobos groups could join in a united front is a troubling sign that women at least have understood the secret of power. Whether their unity will set the pace for the petroleum commons movement in the Delta remains however an open question.

The early 1990s was a turning point in the struggle to claim communal ownership of petroleum not in the Niger Delta alone. New organizations of indigenous peoples formed around similar demands in Mexico, Ecuador, and Colombia. At the time of the Zapatista rebellion in Chiapas, launched on New Years Day 1994—the precise moment

in which NAFTA took effect—*sub-commandante* Marcos frequently pointed out that when the indigenous cut firewood for their homes they are arrested and fined, but when oil developers cut huge swathes through the forest and destroy trees with dynamite, they are congratulated for their productivity!

As fate would have it, post-rebellion Zapatista communities are often located near or directly over oil deposits. Consequently, the San Andres Accords—the main document arising from the peace talks between the Zapatistas and the Mexican government—included the recognition of the indigenous communities’ “collective right to evaluate federal and state plans to exploit strategic resources in their region in order to determine those plans’ effects on indigenous territories.” This provision which, in effect, gave the indigenous communities a veto over oil exploration and exploitation, was certainly one of the main sticking points that prevented the approval of the Accords. Similar developments took place in Ecuador in the early 1990s. Although oil exploration and extraction began in the Ecuadorian Amazon in the 1960s, it took time for the indigenous peoples affected by the environmental pollution and the disintegration of social life caused by the oil industry to organize: first to demand a clean-up and reparations, and then to proclaim oil a common resource to be disposed of only by the community, and not by the states or the oil companies.

“The [community’s] Right To Say ‘No’” climaxed in the struggle of the U’wa in Colombia against Occidental Petroleum’s decision to drill for oil in their territory, beginning in 1993. The U’wa threatened to commit collective suicide if the company, which was granted exploration rights by the Colombian government, actually carried out this plan. Occidental Petroleum Company had calculated it could extract over a billion barrels of oil from this area, and was anxious to verify the estimate. But a combination of lawsuits in Colombian and international courts, shareholder resolutions, demonstrations in front of the company’s California offices and the home of its CEO, carried on by the U’wa and their allies—compounded by the threat of mass suicide by the entire U’wa community—put the plan to rest and avoided what promised to be an ecological as well as social disaster. Occidental Petroleum pulled out of U’wa territory without making a second try, in contrast to the standard procedure. Subsequently, Ecopetrol, the Colombian state oil company has also planned exploration activities in the region of the U’wa, but these too are likely to be resisted.

The U’wa are among the many peoples across the planet who now refuse to approach the oil industry as supplicants, demanding compensation for the harm oil extraction has caused on their lands. The growing activism by non-corporate, non-

state actors who claim communal ownership of petroleum is having a decisive impact on the oil industry's development. One outcome has been the expansion of oil exploration into the "margins"—areas that had previously been too distant from the main centers of the oil industry to be taken into consideration. But it is here that the oil industry comes continually in confrontation with people who still have a sense of the commons, since they often have common property resources such as land, and methods to regulate them. Consequently, the state and market paradigms of oil ownership are clashing with dozens of new, often "small," local movements and communities that, when integrated across the planet, are beginning to have an impact on the legal status of oil ownership.

### The Islamic Petroleum Commons: From Morocco to Indonesia

Another conception of a petroleum commons has developed in Islamic economic theory and political practice since the 1970s. It claims that petroleum found beneath Islamic territory is the common possession of the worldwide Islamic community (*Ummah*) and consequently it is neither state nor private property. This conception is challenging the relations that have been worked out between the oil companies and Islamic nation-states since World War I.

A key event in the development of the international oil industry was the destruction of the last Caliphate, the Ottoman Empire, at the end of World War I. A Caliphate requires a secular military-political entity that is pledged to defend the worldwide Islamic community. The Ottoman Turks had been performing this role of "defenders of the faith" since the 15th century. Their imperial lands included Iraq, Kuwait, and parts of Saudi Arabia—i.e. the center of the main oil reserves of the planet. In order for the petroleum industry to operate on a capitalist basis, the large international oil companies and main imperialist powers at the end of World War I (US, Britain, France) tore up the Ottoman Caliphate and created a number of rentier states that were largely under their control.

The incompatibility between the existence of the Caliphate and the for-profit operations that were required by the oil industry is evident. An Islamic Caliphate had to be committed, at least in principle, to specific re-distributive economic principles (including the concept of a petroleum common owned by the *ummah*, the entire Islamic community) that were in contrast with the corporate control envisioned by the founders of the oil industry in the Middle East in period between 1918 and 1945. A

genuine Caliphate would have had to invest in ways that would have made it autonomous from the directives of the imperialist powers (governmental or corporate). Last, a genuine Caliphate would have had worldwide reach, and would have had to be committed to intervening in areas where the Islamic community resided. These areas, however, were often essential parts of the empires of Britain, France and Holland (e.g., India, Algeria, and Indonesia).

What is presently called Islamic fundamentalism, or political Islam, or Islamism, is in part an effort to revive the Caliphate almost a century after its end. This gives these social movements a “global reach,” as they claim to unite and “protect” the Islamic community presently stretching from Morocco to Indonesia and, through immigration, into the heart of Europe and North America. Whatever the ultimate fate of this type of patriarchal politics and whatever its class composition, this drive towards a Caliphate represents an important reality for the oil industry since both are operating at the center of the major oil reserves of the planet. Indeed, if one correlates the nation-state members of the Organization of Islamic Congress with the oil reserves that are estimated to lie in their territories, one sees that nearly two-thirds of the world’s petroleum is “Islamic.” Such a drive is toward an “imagined community”—but then, what community except the most intimate is not imagined?

Along with the revival of Islam as a political force has come the development of an “Islamic economics” that has a number of tenets relevant to the oil industry. First, since oil is a sub-soil resource, from an Islamic perspective, it is seen as a gift from Allah and hence a community good. Although Islamic economics respects private property—after all, Islam is a religion founded by a merchant—it also recognizes the role of communally shared resources. Islamic economics accepts the standard division of private, state, and common property, and oil is definitely included in the category of common property. It is now traditional to repeat at this juncture the famous statement of Mohammed: “The people are partners in three things: water, pastures and fire [today, petroleum].” The recognition of an Islamic petroleum commons is seen as a first step in the realization of an Islamic economics.

True, some common property must be mined (like oil, gold, silver, and iron), but the minerals themselves remain the common property of all Muslims. The Caliphate itself might mine them or sub-contract their collection, but all revenues gained from their sale should be kept in the *Bait al-Mal*—the same treasury that the *zakat*, or redistributive tithe, is destined for.

The second principle of Islamic economics is the redistributive one. Islam, for all of its respect of private property, instituted from its beginning a system of income transfers. Even non-Muslims know of the *zakat*, but there are many other redistributive mechanisms (e.g., the prohibition of charging interest) that make the doctrine of neo-liberalism anathema in Islamic discourse. A Caliphate is duty-bound to fund the poor, the needy, the travelers, the debtors and its jihad from the funds in the *Bait al-Mal*. This is especially true of revenues derived from oil, since they are directly derived from the sale of a communal good. Thus the charges of corruption hurled against the Saudi Arabian elite by Islamists are especially damning, since the Saudi elite's extravagant ways of living can be accused of denying bread to the mouths of the poor children Allah destined it for.

The third principle of Islamic economics is based on the prohibition of waste and the concern for conserving scarce resources. Islamists can plausibly argue that if the conspicuous consumption and self-protective expenditure on military hardware indulged in by the present elites are ended, more oil could be left in the ground. Such an economic policy would clearly have a significant impact on the price of oil, since oil would no longer be considered a state or corporate commodity to be sold to the highest bidder, and instead would be viewed as a common good whose conservation would be valuable in itself.

Common property in the Islamic tradition is often not emphasized in academic expositions of Islamic economics, where the pride of place is given to a symbolic *zakat* and a banking system that denies a role to interest. The works of Pakistani social thinker Savyid Abul-Ala Mawdudi (1903-79), martyred Egyptian Islamist Sayyid Qutb (1906-66) and Iraqi writer Muhammad Baquir al-Sadr (1931-80)—the intellectual progenitors of Islamic economics—are often taken to task for imposing unrealistic constraints on the development of capitalism in the Islamic world. Nevertheless, if the doctrine of the petroleum commons were implemented as the basis of social planning, in an Islamic world that counts more than a billion people, we can presume it would have a far greater impact than any other of its economic recommendations.

If Islamic nations turned their petroleum resources into a commons, then three major, even revolutionary changes would follow. First, this would lead to a tighter control of the pace of extraction and a willingness to exercise the "Right to say 'No'," resulting in much higher oil prices. Second, the surplus of the commons would flow into re-distributive projects in the Islamic world, rather than being channeled into the economies and financial systems of Europe and the US. Last, the neo-liberal program

for the Middle East (as outlined in George W. Bush's plan for the outcome of the Iraq war) would be challenged.

## The Global Petroleum Commons of the Future and the United Nations System

If we combine the local claims to petroleum as communal property with those by Islamic economic theorists, we find that more than 70% of the oil on the planet is considered to be a part of a commons. There is, however, a third concept of petroleum as a global commons that incorporates all oil deposits, whether discovered or not. The proponents of this notion argue that the consequences of the exploration, extraction, distribution, and consumption of petroleum are so problematic for "humanity" that they cannot be left to the devices of private companies or nation states, but have to be managed by international organizations. According to this view, there exists a global petroleum commons that needs an adequate regulative community, most commonly identified with the United Nations system.

Thus, in the 1990s, the concept of a global commons has given new luster to the UN system, suffering from an identity crisis after the end of the Cold War. Increasingly, the UN system has claimed to represent a global community that does not exist, but presumably represent the horizon of UN activities. On this basis, the UN system has negotiated a number of accords with mining and energy companies according them ideological legitimacy. These include the Global Compact and the Global Mining Initiative, as well as the Kyoto Accords. This makes of the UN system—which includes the World Bank and International Monetary Fund (IMF)—the global "partner" to and regulator of the planetary oil, gas, and coal companies.

It is crucial to understand why, in the last fifteen years, the UN system has dared to claim the right to regulate petroleum as a global commons. During this time the extractive industries, with special emphasis on mining and oil, have been in crisis, mostly because of the refusal by millions of people across the planet to accept the social and environmental destruction caused by mining and oil drilling activities. What appears to be the "natural" limit of extraction (as explained by the Club of Rome's "asymptotic depletion curves" or by M. King Hubbert's "peak oil" graphs) is indeed the resistance of an ever-broader circle of people to suffering the consequences of private or state sponsored mineral or oil extraction with no compensation or redress. Global warming, environmental pollution and illness, hazardous working conditions have increasingly been the source of anxiety, protest, and disruption of operations in the

extractive industries. The loss of trust suffered by these industries has been due to such resistance and the problems it addresses, more than to the difficulty of finding new fields of coal, copper or petroleum. Thus, the need of the extractive industries for some “legitimate partner” to negotiate with, not posing threatening demands such as those workers’ organizations and local communities increasingly present.

Just as the extractive industries were undergoing their crisis, the UN system was facing it own. It had been set up to negotiate the conflicts between Capitalism and Communism, Colonialism and Anti-Colonialism. With the dissolution of the Soviet Union and the collapse of apartheid in South Africa, its mission seemed to vanish. Here is where the call of the extractive industries, especially the oil industry, provided a new lifeline, appointing the UN not only as the partner of the extractive industries but as their regulator as a representative of the coming global community, a task akin to the surrogate service the Catholic Church is expected to provide in anticipation of the “the City of God” in the period before the Second Coming!

The difficulties of such a surrogate global community have been brought to everyone’s attention in the course of more than a decade of activism by the anti-globalization movement. Central to this movement has been a critique of the UN system’s most powerful bodies besides the Security Council: the World Bank and IMF. As “No-global” activists have documented, the problems of the nation state have not been transcended by the rise of global forms of government such as the World Bank, IMF, and UN presume to provide. The neo-liberal turn of the World Bank and IMF demonstrates that the UN system magnifies the problems of nation-state capitalism. Indeed, the UN-based “coming global community” offers a classic solution to all distributive problems: “What’s yours is mine, and what’s mine is mine.” For instance, in the name of this “virtual community,” the UN-system and its satellite NGOs advocate themselves the right to demand that indigenous people in the South respect designated “ecological zones” or “conservation regions” to the point of ceasing to use them for their own sustenance and economic well-being, even when no other alternatives are available to them, and they have lived upon the now off-limit lands for time immemorial.

## The Petroleum Commons as Conflict and Opportunity

The entrance of “commoners” (indigenous peoples, Islamists, UN officials) into the world of oil ownership and production on the three levels discussed here is undoubtedly creating major changes in the oil industry worldwide. The logic of both

market and state rationality is increasingly losing its compelling power to determine the future of oil extraction and, with it, the whole system of capitalist production it energizes.

Critics of capitalism, however, cannot be complacent about the rise of the petroleum commoners. This social reality also poses political problems that can easily divide the anti-capitalist movement as well as make neo-liberalism stumble. Every local commons requires a regulatory community with insiders and outsiders, and the outsiders might rightly demand to become insiders, with all the attendant possibility of conflict. Similarly, the regulation of the Islamic petroleum commons can conflict with the rules of local communities and their claimed commons. Finally, the demands of the global commons have already conflicted with the needs of local communities and the prescriptions of the Islamic *ummah*. Whatever the results of these actual or potential conflicts, the assumption that petroleum is a different political liquid from water has been put into doubt by the demands and struggles of petroleum commoners. Will petroleum become one day as common as water still is at least in our imagination? Or will water reach the market-price and give rise to the same conflicts, and undergo the degree of monopolization that has characterized the history of petroleum in our times?

*(Based on the text of a talk given at the Fusion Arts Museum in New York City on November 7, 2004)*